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ABSTRACT

This book contains 78 of the approximately 100 conference papers presented, in 6 categories: democracy and society, employment and earnings, family and work, poverty and income, health and well being, and miscellaneous, as well as 7 poster session presentations. Representative papers include the following: "Women's Business Ownership: A Strategy for Shattering the Glass Ceiling" (Jennifer Allyn); "Race, Ethnic and Skill-Based Inequalities in Women's Employment and Wages" (Mary Corcoran, Colleen M. Heflin); "The Big Game: Implementation of Title IX's Athletic Provisions" (Katherine Levy); "The Impact of Proposition 209 on Education, Employment and Contracting Opportunities for Women in California" (Beth H. Parker); "Single-Sex Education: What Does the Research Say?" (Pamela Haag); "Inequality and the Family and Medical Leave Act: Race, Gender, and Leaves from Work" (Naomi Gerstel, Katherine McGonagle); "Public Child Care, Parental Leave, and Employment: A Cross-National Study" (Marcia K. Meyers, Janet C. Gornick, Katherin E. Ross); "Employed Mothers and Fathers in the United States: Understanding How Work and Family Life Fit Together" (Ellen Galinsky, Jennifer E. Swanberg); "Welfare Reform, Care-Taking and Self-Sufficiency: The View from Iowa Women's Lives" (Jacquelyn Litt); "Remembering the Past, Anticipating the Future: A Study of Single African American Mothers Who Are Former Welfare Recipients" (Shelly Hentz Williams); "Parents as Scholars: A Model Higher Education Program for Low-Income Women in the New Welfare Landscape" (Luisa S. Deprez, Christine Hastedt, Mary T. Henderson); "Out of Poverty: What Do Education and Training or a Labor Force Attachment Model Offer Low-Income Women in Connecticut?" (Marcia Bok, Nancy Churchill, Louise Simmons); "Moving Families from Welfare to Work: San Francisco TANF

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[Temporary Assistance for Needy Families] Recipients and Federal Welfare Reform" (Ruth Botstein, Stacey Leyton); "Paths to Employment: The Role of Social Networks in the Job Search for African American Women on Welfare in San Francisco" (Karen Chapple); "Barriers in the Transition from Welfare to Paid Work: The Intersection of Gender and Race" (Irene Browne, Ivy Kennelly); "Getting Jobs, Keeping Jobs, and Earning a Living Wage: Can Welfare Reform Work?" (Ariel Kalil); "An Examination of the Effects of Welfare Participation on Women's Wages" (Yin-Fang Lin). (KC)

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PERSPECTIVES ON THE PAST, BLUEPRINT FOR THE FUTURE

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FIFTH WOMEN'S POLICY
RESEARCH CONFERENCE
June 12-13, 1998
George Washington University, Washington, DC

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About the Institute for Women's Policy Research

The Institute for Women's Policy Research (IWPR) is a public policy research organization dedicated to informing and stimulating the debate on public policy issues of critical importance to women and their families. IWPR focuses on issues of poverty and welfare, affirmative action and pay equity, employment and earnings, work and family issues, the economic and social aspects of health care and domestic violence, and women's civic and political participation.

The Institute works with policymakers, scholars, and public interest groups around the country to design, execute, and disseminate research that illuminates economic and social policy issues affecting women and families, and to build a network of individuals and organizations that conduct and use women-oriented policy research. IWPR, an independent, nonprofit organization, also works in affiliation with the graduate programs in public policy and women's studies at The George Washington University.

IWPR's work is supported by foundation grants, government grants and contracts, donations from individuals, and contributions from organizations. Members and affiliates of IWPR's Information Network (see inside back cover) receive reports and information on a regular basis. IWPR is a 501(c)(3) tax-exempt organization.

About the Women's Studies Program, George Washington University

The Women's Studies Program, George Washington University, unites faculty and students whose areas of concern are feminist scholarship and the role of women in society. The Program offers a Master of Arts in Women's Studies and a Master of Arts in Public Policy with a concentration in Women's Studies, thus providing options for students whose interests are more generally in the humanities and social sciences as well as for those primarily interested in public policy.

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CONFERENCE PROCEEDINGS

WOMEN'S PROGRESS:
PERSPECTIVES ON THE PAST, BLUEPRINT FOR THE FUTURE

FIFTH WOMEN'S POLICY
RESEARCH CONFERENCE
June 12-13, 1998
George Washington University, Washington, DC

PREFACE

The Institute for Women's Policy Research (IWPR) held the Fifth Women's Policy Research Conference, *Women's Progress Perspectives on the Past: Blueprint for the Future* on the George Washington University campus on June 12-13, 1998. The conference, which was co-sponsored by the Women's Studies Program, George Washington University, brought together over 400 scholars, researchers, advocates, and policymakers to hear approximately 100 scholarly papers presented during 30 panel sessions. Presenters and attendees represented a wide range of professions and areas of specialization from around the country and abroad.

The papers in this volume are grouped according to five main topics: Democracy and Society, Employment and Earnings, Family and Work, Poverty and Income, Health and Well-Being, and a Miscellaneous Category. The titles of the papers submitted are listed in the table of contents and an index by author's last name is included at the end of the manuscript. Every effort has been made to include all the papers submitted in their entirety. In some cases this was not possible and we regret the omission.

We would like to thank everyone who participated in the Fifth Women's Policy Research Conference: the paper presenters, moderators, discussants, panelists, attendees, interns, volunteers, and conference staff. We would also like to thank the Conference Program Committee who, along with IWPR's Board of Directors and Program Advisory Committee, generously contributed their time and expertise in a wide range of areas. Many of these individuals reviewed proposals submitted for presentation, served as moderator or discussant for a panel, or presented papers themselves.

Convening the Fifth Women's Policy Research Conference would not have been possible without the generous support, both in-kind and financially, of numerous organizations. We would especially like to thank the Women's Studies Program, George Washington University, for co-hosting the conference on campus. We would also like to acknowledge the generosity of the American Express Company, Russell Sage Foundation, Avon Products, Inc., AFL-CIO, AFSCME, CWA, and SEIU. Please see the complete list of conference contributors..

We are grateful to Amanda Gordon, former IWPR Communications Associate, who was responsible for the acquisition of the papers in both hardcopy and electronic formats from researchers around the globe. We would also like to thank Anna Rockett, Publications Editor, for her patience and tenacity in tackling the layout and production of this complex manuscript. Finally, we would like to thank Caroline Wall for her assistance in the final stages of manuscript preparation.

We hope you will join us at IWPR's Sixth Women's Policy Research Conference in 2001. Thank you for helping to make *Women's Progress: Perspectives on the Past, Blueprint for the Future* a success.

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Heidi Hartmann
Director and President

Jill Braunstein
Jill Braunstein
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CONFERENCE SCHEDULE

Friday, June 12, 1998

Registration and Light Breakfast, Colonnade Gallery

Welcome and Keynote Address

Martha Blaxall
Heidi Hartmann
The Honorable Constance Morella
Margaret Simms

Coffee/Tea Break

Concurrent Research Panel Session I

- The Politics of Reproductive Rights
- Management Careers and Corporate Restructuring
- Research on Girls and Models for Change
- Welfare Reform: A Multi-State Perspective
- Violence Against Women
- Feminist Theory and Strategy

Box Lunch and Poster Exhibit

Concurrent Research Panel Session II

- Public Policies, Gender Equity, and Social Change
- Dimensions of Wage Inequality
- Measuring the Impact of the Family and Medical Leave Act
- Welfare Reform: Education and Training
- Women, Drug and Alcohol Treatment, and Access to Health Care
- Micro-Enterprise and Self-Employment: A Door to Self Sufficiency?

Refreshment Break

Concurrent Research Panel Session III

- International Perspectives on the Gender Gap
- The Road to Pay Equity
- Family Friendly Workplace Policies: Impact and Progress
- Welfare Reform, Devolution, and Human Rights
- New Approaches to Weight, Body Image, and Health: Integrating Research and Policy
- Engendering Public Policy: Women and Equity in Canada

Spotlight on IWPR and Its Current Research

Saturday, June 13, 1998

Concurrent Research Panel Session IV

- The Equal Rights Amendment: Past Legacy, Present Strategies
- Sexual Harassment and Violence Against Women in the Workplace
- Managing Work and Family: Research Findings, Media Hype, and Public Policy
- Welfare Reform: Spatial Issues and Community Resources
- Women's Health: Systems and Policies Influencing Health for Women of Reproductive Age
- How the Social and Economic Status of Parents Affects Children

Coffee/Tea Break

Concurrent Research Panel Session V

- The Gender Gap and the Women's Movement
- Anti-Discrimination and Its Effects on Women's Progress
- The Care of Children, Elders, and the Disabled
- The Transition from Welfare to Work
- Research and Public Policies on Breast Implants: Myth and Reality
- Women and Issues of Immigration

Closing Luncheon and Plenary Panel

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1997 NATIONAL CLINIC VIOLENCE SURVEY REPORT: A FIVE YEAR ANALYSIS OF ANTI-ABORTION VIOLENCE TRENDS

Jennifer Jackman, Feminist Majority Foundation
Christine Onyango, Feminist Majority Foundation

ABSTRACT

Although severe violence against abortion clinics in the United States has decreased sharply between 1993 and 1997, blockades, invasions, bomb threats and bombings, arson threats and arsons, chemical attacks, death threats, and stalking still plague about 25% of clinics. In 1997, clinics experienced increases in the proportion of clinics experiencing multiple types of violence, increases in clinic staff resignations, increases in several types of violence, and slight decreases in local law enforcement response. Anti-abortion violence is increasingly concentrated among a small number of clinics, with free-standing clinics, for-profit clinics, and clinics for which abortion constitute over 75% of their practice more likely to face severe types of violence.

KEY FINDINGS

- Severe violence still plagues about 25% of clinics — only a slight drop from the level of violence in 1996. In the first seven months of 1997, 24.8% of clinics experienced one or more forms of severe violence, for a decline of only 2.8 points from 1996. These forms of severe violence included blockades, invasions, bomb threats and bombings, arson threats and arsons, chemical attacks, death threats, and stalking. Violence levels were 27.6% for the same time period in 1996. But the level of violence at clinics in 1996 and 1997 is down sharply from its high mark of 51.9% in 1994.
- Anti-abortion violence is becoming more concentrated among a small number of clinics. The percentage of clinics experiencing high levels (more than 3 types) of violence, harassment, and intimidation has increased slightly since 1996. The number of facilities reporting high levels of violence rose from 7.1% in 1996 to 8.3% in 1997. This increase, though small, reverses the trend from 1993 to 1996 of a steady decrease in the proportion of clinics reporting high levels of violence — from a peak of 22% of clinics in 1994, to 14.2% in 1995, and to 7.1% in 1996.
- The percentage of clinics experiencing no violence, harassment or intimidation has doubled over the last four years. In 1997, almost two thirds of clinics reported no violence; only one-third of clinics in 1994 were free from violence, harassment, and intimidation.
- Staff resignations as a result of anti-abortion violence and harassment were up in 1997, reversing the trend toward significant declines in staff resignations in prior years. While 3.9% of clinics reported staff quitting in 1996, 7.1% in 1997 reported physicians, nurses, counselors, lab technicians and/or administrators leaving as a result of clinic violence. One-fourth of clinics in 1993 reported staff resignations as a result of anti-abortion violence.
- Vandalism and bomb threats at women's health facilities were the most common forms of violence in 1997. Of respondents, 22.4% reported various forms of vandalism. One in ten (12.4%) clinics reported bomb threats.
- As in previous years, lower levels of violence continued to be associated with better law enforcement response. Of clinics which reported local law enforcement response as "excellent" in 1997, only 7.5% experienced high levels of violence, compared with 35.7% of clinics which characterized local law enforcement response as "poor."
- Clinics reported increases in several severe types of violence between 1996 and 1997. Increases in arson threats to 3.5%, bomb threats to 12.4%, arsons to 1.8% and gunfire to 1.8% occurred for the first time since 1995.
- The proportion of clinics which reported FACE violations to federal officials climbed to 12.7% in 1997 — from 7.7% in 1996. FACE reports reached their highest levels in 1995, when 20% of clinics reported FACE violations to federal officials.
- Almost one-third of clinics (31%) in 1997 were protected by buffer zones, approximately the same percentage of clinics that had buffer zones in 1996.
- As in 1996, free-standing clinics, for-profit clinics, and clinics for which abortion constituted over 75% of their practice were more likely to face severe types of violence.
- The majority of clinics (58.7%) were experiencing some form of picketing at their facilities at the time of data collection.

METHODOLOGY

For the fifth consecutive year, the Feminist Majority Foundation conducted a nationwide survey of anti-abortion violence directed at abortion providers. This longitudinal analysis is the most comprehensive study of anti-abortion violence directed at clinics, patients and health care workers in the United States and its territories over the past 5 years. The survey measures violence, harassment, and intimidation during the first seven months of 1997.

In September, 1997, surveys were mailed to the population of 864 abortion providers in the United States. A reminder mailing followed in mid-October, 1997. Follow-up calls were made between mid-October and mid-December. Three hundred and thirty-nine surveys were returned, producing a response rate of 39.2%. Data were analyzed using SPSS-X (Statistical Package for the Social Sciences) uni-variate and bi-variate techniques.

The sample of 339 clinics in the survey includes clinics and doctors' offices in 49 states and the District of Columbia. (See Appendix A for list of number of surveys completed per state.) The percentage of clinic practice devoted to abortion ranges from less than 5% to over 75%. Facilities in the sample are fairly evenly divided among non-profit (33.6%), for-profit (37.8%) and doctor's offices (27.7%). Clinics were members of the National Abortion Federation, Planned Parenthood Federation of America, the National Women's Health Organization, and the National Coalition of Abortion Providers, and 28.6% respondents were independent and had no national affiliation.

Our survey found that while 51.0% of respondents provide abortion as more than 75% of their practice, almost all abortion providers (95.3%) also provide a variety of gynecological services. Services available at the clinics include contraception (94.1%); emergency contraception (74.3%); prenatal services (21.8%); cancer screening (67%); HIV testing (57.5%); STD testing and treatment (72.6%); vasectomy (19.5%); tubal sterilization (31.9%); services related to menopause (58.7%); and services related to adoption (15.3%).

Medical, non-invasive methods of early abortion were administered at 60 clinics in 1997. A limited number of clinics participating in clinic trials administered mifepristone, known also as RU 486 or the "French abortion pill." Other clinics began to use the cancer drug methotrexate off-label for early abortion. Both drugs are used orally in combination with the prostaglandin, misoprostol. Of the clinics in the survey, 11 administered mifepristone only, 36 methotrexate only, and 13 both mifepristone and methotrexate.

Clinics responding to the survey were assured that their individual responses would remain confidential. Clinics are identified in this report by name or location only if the incidents and consequences of the violence are a matter of public record or if the Feminist Majority Foundation obtained permission to include the details of the incident in this report.

RESULTS

Violence still plagues 25% of clinics—down only slightly from1996

The bombings of abortion clinics in Oklahoma and Atlanta in January last year catapulted anti-abortion violence into the nation's attention in 1997. By year's end, there had been 13 women's health clinic bombings or arsons — the seventh highest number of abortion clinic bombings and arsons recorded by the Bureau of Alcohol, Tobacco and Firearms since 1982 and more than double the number of arsons and bombings reported for 1996. Moreover, the January, 1997 Atlanta clinic double bombing marks the first time anti-abortion extremists have used a second anti-personnel bomb targeted at rescue and law-enforcement personnel responding to the first bomb. In this instance, several federal law enforcement personnel were injured.

Despite the tragic escalation in bombings and arsons in 1997, the Feminist Majority Foundation's fifth annual National Clinic Violence Survey found little change in the level of clinic violence between 1996 and 1997. Of the 339 clinics surveyed, 24.8% had experienced one or more types of severe violence in the first seven months of 1997, down slightly from 1996. This measurement of severe violence includes blockades, invasions, stalking, bomb threats, bombings, arson threats, arsons, chemical attacks, and death threats.

Considering that violence dramatically surged immediately after President Clinton's election in 1992, holding the line on clinic violence levels in a climate of increased anti-abortion frustration and militancy following the 1996 elections is a major accomplishment. The fact that the overall level of violence at clinics remained essentially constant is testimony to the combined vigilance of clinics, pro-choice advocates, and law enforcement. Still one-quarter of clinics experiencing severe violence is an intolerable level of violence and constitutes domestic terrorism. Moreover, our survey indicates a concentration of this terrorism and a focused campaign of attrition intended to close clinics.

Since the Feminist Majority Foundation's first clinic violence survey in 1993, the segment of clinics under attack has declined from a high of 51.9% in 1994 to 38.6% in 1995, to 27.6% in 1996 and to 24.8% in 1997. Chart 1 shows the percentage of clinics reporting severe violence over last five years in which the National Clinic Violence Survey has been conducted.

At the same time, the decline in clinic violence which began in 1995 came to a virtual standstill in 1997. At 24.8%, the overall level of severe violence at clinics in 1997 is only 2.8-points less than in 1996, when 27.6% clinics reported incidents of serious violence.

For the fourth consecutive year, our survey also measured additional types of violence, harassment, and intimidation, including gunfire, home picketing, and vandalism. When these three variables are combined with the severe violence variables, the percentage of facilities reporting violence, harassment and intimidation rose to 38.9%. This represents a decrease of 6-points since 1996 when 44.9% of clinics reported these anti-abortion activities.

Percentage of clinics free from violence grows from one-third in 1994 to two-thirds today

The percentage of clinics experiencing no violence, harassment, or intimidation has doubled over the past four years. In 1997, 61.1% of clinics reported that they had experienced none of the twelve types of violence measured in our survey. In 1994, only 33.3% of clinics were free from violence. In 1995, this figure grew to 44.2% and in 1996 to 55.1%.

Based on these data, we categorized clinics into three levels of violence — those clinics experiencing no violence, those experiencing moderate violence (1 or 2 types), and those experiencing high violence (3 or more types). This analysis, as presented in Chart 2, makes two trends in anti-abortion violence over the past four years extremely clear. First, the strategies of the abortion rights movement — passage of FACE, heightened clinic security, improved law enforcement, and community mobilization — are ending the seige of anti-abortion violence for the majority of clinics. Second, the anti-abortion attack is becoming even more concentrated on a small segment of clinics.

Prior to 1997, there had been a steady decrease in the percentage of clinics reporting high levels of violence. In 1997, this trend reversed for the first time. The 1994 survey found 22% of clinics experienced 3 or more types violence. By 1995, this percentage was down to 14.2% and in 1996 it decreased further to 7.1%. However, in 1997, the number of facilities reporting high levels of violence rose slightly to 8.3%. Clinics experiencing high levels of violence reported their strong concerns about the multiple strategies of anti-abortion harassment, intimidation, and violence they face daily. For example, one clinic administrator described the atmosphere of terrorism at her clinic, which included receiving a continuous flow of threatening letters, having the mail tampered with, the clinic driveways blocked, and having patients intimidated by anti-abortion video cameras. A doctor at another clinic who was stalked in 1997 had in prior years reported being run off the road by anti-abortion activists. In addition, his dog was killed, the wheels on his wife's car were loosened and his elderly parents received threatening phone calls.

At the same time, the percentage of facilities reporting moderate violence continued a decreasing trend from previous years. In 1994, 44.5% of clinics experienced moderate levels of violence (1 or 2 types). This dropped to 41.5% in 1995 and further to 37.8% in 1996. In 1997, the percentage of clinics experiencing moderate violence dropped 7.1-points to 30.7%.

The overall decrease in the percentage of clinics experiencing violence is mirrored in major declines in reports of most forms of serious anti-abortion violence over the last five years. Chart 3 shows that death threats have decreased the most dramatically, from a high of almost 25% in 1994 to 5% by 1997. Stalking was also at its highest point in 1994, with 17.8% of clinics reporting that clinic workers and their families had been stalked. In 1997, 5% of clinics reported stalking. Additionally, reports of blockades and invasions have decreased continuously and significantly since 1993.

Although survey results indicate that clinic violence is a nationwide phenomenon, the states experiencing the most serious violence in 1997 include the following: Alabama, Arizona, California, Florida, Kansas, Michigan, Mississippi, New Jersey, New York, Ohio, Oregon, Texas, and Washington. In prior surveys, Alabama, Arizona, California, Florida, Michigan, New York, Ohio, Oregon, and Texas were among the states that consistently experienced severe violence.

Arson threats, bomb threats, and gunfire increase; bomb threats and vandalism most common forms of violence

Although the percentage of clinics experiencing most serious forms of anti-abortion violence has decreased over the last five years, other forms of violence which had shown declines in previous years slightly increased in 1997. Chart 4 shows that small increases were reported for arson threats, bomb threats and arson between 1996 and 1997.

Chart 5 shows the percentage of clinics reporting each type of violence and intimidation. Between 1996 and 1997, reports of most forms of violence and intimidation continued to decline. The largest decline reported was for home picketing, which dropped from 14.01% in 1996 to 8.3% in 1997. Decreases were also reported for death threats which in 1997 were at 5%, stalking at 5%, blockades at 5%, and invasions at 3.6%. Although chemical attacks had risen from 1.0% to 1.6% between 1995 and 1996, they decreased to 0.3% in 1997.

The smallest decline between 1996 and

1997 was reported for vandalism, which at 22.4% in 1997 remained virtually unchanged since 1996. Of clinics reporting vandalism, 15.8% experienced glue in door locks, 14.5% nails in the driveways, 9% motor oil in parking lots, 25% paint on buildings, 26.3% broken windows, 30.3% graffiti, 31.6% tampering with phone lines. Overall, vandalism and bomb threats were the most common forms of violence reported by clinics surveyed in 1997. Bomb threats were reported by 12.4% of clinics. Chart 5 shows violence reports by type for 1997.

Blockades were reported by 5% of clinics, invasions by 3.6%, and arsons by 1.8%. Bombings were reported by .9% of clinics in our clinic sample. (Please note the survey does not include all bombings and arsons that took place in 1997. Some of the clinics which were the victims of 13 bombings and arsons in 1997 were unable to participate in the survey.)

For the first time, the 1997 survey asked clinics about break-ins and robberies and about the distribution of anti-abortion leaflets targeting particular physicians or clinic workers in the neighborhoods of these clinic employees. Of the clinics, 12 (3.5%) said their clinics or offices had been broken into or robbed during the first seven months of 1997. One in ten clinics (11.8%) reported the distribution of anti-abortion leaflets in the neighborhoods of targeted clinic staff.

For the first time, the survey also measured the number of clinics experiencing anti-abortion activity at the time of data collection (as opposed to during the first seven months of 1997). The majority of clinics (58.7%) reported current picketing at their facilities. Picketing activity appears to be associated with the percentage of clinic practice devoted to abortion services. Clinics which devoted a higher percentage of their practices to abortion were more likely to experience picketing. Of those clinics which said abortion services accounted for more than 75 percent of their practice, 65.1% reported picketing. Several clinics also commented that in 1997 anti-abortion picketing and sidewalk activity became even more aggressive and virulent.

As another measure of changing levels of violence at clinics, abortion providers were asked to tell us whether occurrences of each type of violence in 1997 to 1996 had increased, remained the same, or decreased at their clinics. For the third consecutive year, most clinics perceived that violence of all types at their facilities had remained at the same level as in the previous year. And, of those clinics perceiving change in the levels of specific types of violence, more clinics reported decreases than increases in every violence category. The greatest net perceived decreases were in blockades, invasions, and chemical attacks. The smallest net perceived decreases were in vandalism and in bombings/bomb threats.

For-profit clinics, free-standing clinics face more violence

As in 1996, free-standing clinics, for-profit clinics, and clinics for which abortion constituted over 75% of their practice were more likely to face severe types of violence.

Clinics located in free-standing facilities accounted for 66.7% of clinics experiencing severe violence, whereas only 56.5% of the clinics in the survey sample were free-standing. An overwhelming proportion of arsons and arson threats reported in the survey— 100% and 66.7%, respectively — occurred at free-standing clinics.

For-profit clinics also were over-represented among the clinics that were experiencing severe violence. Statistically significant relationships were found between the type of clinic and forms of violence including stalking, blockades, clinic invasions, bombings and bomb threats, and arson and arson attacks. Clinic types included non-profit, for-profit, or private doctors offices. Of the clinics that reported at least one type of severe violence, 52.4% were for-profit, 27.4% were non-profits, and 19% were private doctors offices. Of all the clinics in the survey, 37.8% were for-profits, 34.2% were non-profits, and 27.8% were private doctors offices.

Moreover, invasions, blockades, bombings, bomb threats, vandalism and death threats were more likely to take place at clinics for which abortion constituted more than 75% of their practice.

Violence-related staff resignations up from 1996

During the first seven months of 1997, clinics reported an increase in the number of staff resignations due to anti-abortion violence compared to the previous year. Chart 6 plots changes in reports of clinic staff resignations related to anti-abortion violence. In prior years, clinics had reported a steady decline in staff departures. In 1993, one-fourth of clinics experienced resignations. By 1996, staff quits dropped to a low of 3.8%. However, in 1997, 7.1% of clinics reported resignations as a result of clinic violence, an increase of 3.3 points.

Of the 24 clinics reporting staff resignations as a result of clinic violence in 1997, 4.2% lost a physician (1), 33.3% lost nurses (8), 50% lost administrators (12), 33.3% lost counselors (8), and 20.8% lost lab technicians (5).

The 1997 survey found that the loss of employees in the face of clinic violence corresponded with the quality of law enforcement response. Clinics which rated law enforcement response as "poor" were more likely to experience staff resignations due to anti-abortion violence. Conversely, clinics which reported "excellent" law enforcement response were less likely to report staff quits. This relationship was statistically significant for law enforcement response at the local and state levels.

Of clinics reporting "poor" local law enforcement response to clinic violence, 14.3% had staff quit because of the violence. Of clinics describing local law enforcement response as "good," 13.5% reported staff resignations. Only 7.5% of clinics which characterized local law enforcement response as "excellent" lost staff.

Over one-third (35.7%) of the clinics reporting "poor" state law enforcement response said they had staff quit because of clinic violence. In comparison, only 7.3% of those describing state law enforcement response as "good" and 7.1% which said state law enforcement response was "excellent," reported violence-related staff quits.

Buffer zones protect one-third of clinics

Approximately one third of clinics (105) in the 1997 survey were protected by buffer zones established either by courts or local governing bodies. Buffer zones prohibit specific forms of disruptive conduct from occurring in a zone surrounding clinics or, in some cases, a zone outside of clinic worker homes. In 1997, the U.S. Supreme Court reaffirmed the use of buffer zones around clinics in *Schenck v. Pro-choice Network of Western New York*. The Court upheld a 15-foot fixed buffer zone, with the Court making it clear that the permissible size of the zone should be contingent on record of anti-abortion violence and the geographic location of the clinic. The Court had previously upheld buffer zones around clinics in the U.S. Supreme Court's 1994 ruling in *Madsen v. Women's Health Center*. Approximately the same percentage of clinics reported buffer zones in the survey in 1996 as did in 1997.

Over half (54.3%) of clinics with buffer zones had a protected perimeter around the clinics. Of these 57 clinics, the majority had protected zones of less than 25 feet — 22.8% have buffer zones under 10 feet in distance, 31.6% between 10 and 24 feet, 14% between 25-49 feet, and 14% with zones of 50 feet or over.

One in five clinics with buffer zones were protected by buffer zones which specified the permissible level of sound outside of clinics. Six clinics (5.7%) with buffer zones had areas protected around clinic worker homes.

Clinics with buffer zones were more likely than clinics without buffer zones to report that they had experienced decreases in every form of violence. In 1996, clinics reported statistically significant differences in perceived levels of specific types of violence when we compared clinics with and without buffer zones. In 1997, however, the differences in perceived levels of specific violence types were slight and not statistically significant.

One in ten clinics cite face violations

More clinics brought FACE violations to the attention of federal law enforcement officials in 1997 than in 1996. Of the clinics surveyed, 12.7% (43) said that they had informed federal officials of FACE violations during the first seven months of 1997. In 1996, only 7.7% of clinics reported FACE violations. In 1995, the first full year of FACE enforcement, 20% of clinics reported FACE violations. (See Chart 7.)

Of the 43 clinics reporting FACE violations in 1997, 41.9% (18) were provided with clear direction for initiating FACE complaints — the same percentage as in 1996. In 1995, only 16.2% were given clear instructions for pursuing FACE claims.

While there were more FACE reports in 1997 than in 1996 and a similar percentage of clinics felt they had been provided with clear directions for initiating FACE claims, FACE enforcement in 1997 was mixed. Two indices suggest that federal officials were pursuing FACE claims more vigorously. Federal officials were less likely to refer FACE complaints back to local officials for prosecution under local and state laws. In 1996, 50% of clinics who told us they had reported FACE violations related that federal officials had referred them back to local authorities. In 1997, the percentage of clinics told to refer their FACE complaints to local authorities decreased to 37.2% (16). In addition, during the first 7 months of 1997, 41.9% (18) of clinics reporting FACE violations said that federal officials had interviewed involved parties, compared with 29.2% in 1996.

However, other data suggest greater investigation and prosecution of FACE violations continue to be necessary. Fewer clinics in 1997 than in 1996 reported that investigations were opened as a result of their reports, and more clinics than in 1996 said that they were advised that federal authorities would not prosecute. Of clinics reporting FACE violations in 1997, only 20.9% (9) said that investigations into FACE violations had been opened; 25% of clinics reporting FACE violations in 1996 said their reports had resulted in official investigations. In 1997, the number of clinics who had reported FACE violations and were then told that federal officials would not prosecute grew to 14%. Only 8.3% of clinics in 1996 said that they were told that federal officials would not pursue FACE prosecutions.

Only 4.7% (2) of clinics who reported FACE violations in 1997 told us in the survey that federal officials had initiated civil FACE actions. The same percentage of clinics said criminal FACE actions had been initiated as a result of their reports in 1997. Both of these figures represent decreases since 1996 when 12.5% had resulted in civil action and 8.3% of clinics said their FACE reports had produced criminal FACE action.

Fewer clinics seek legal remedies

At the same time that FACE reports increased, fewer clinics in 1997 sought legal remedies from the courts for clinic violence such as restraining orders, temporary injunctions, and permanent injunctions. During the first seven months of 1997, only 8% of clinics sought legal remedies for clinic violence from the courts. In 1995, 15.2% of clinics sought legal remedies; 10.9% sought legal remedies in 1996. Of the 26 clinics who sought legal remedies during the first seven months of 1997, 14 sought restraining orders, 5 temporary injunctions, and 4 permanent injunctions.

Less than half of the clinics seeking legal remedies actually won. In 1997, 44.4% (12) of clinics which sought legal remedies won, which represents a small increase since 1996 when 41.2% of clinics were successful in obtaining legal remedies. However, in 1995, 46.8% of clinics were awarded court remedies.

In 1997, restraining orders were awarded to 42.6% (6) of the clinics which sought this remedy. Of the clinics seeking restraining orders, 46.2% received them in 1996 and 1995. In 1994, 62.5% of clinics seeking restraining orders won.

Only one of the 5 clinics requesting a temporary injunction was awarded this remedy in 1997. In 1996, one of three clinics seeking temporary injunctions was awarded that remedy. Fifty percent of clinics who sought temporary injunctions in 1995 won those injunctions, and 62.5% of clinics in 1994.

Of the 4 clinics which sought permanent injunctions in 1997, only one clinic received this legal remedy. At 25%, the rate of success in receiving permanent injunctions was the lowest ever. In 1996, 60% of clinics which applied for permanent injunctions received them. The rate was even higher — 72.2% — in 1995.

Law enforcement "excellent" ratings decline slightly; decreased violence reduces law enforcement contacts

Clinic ratings of law enforcement response to clinic violence declined slightly for the second consecutive year. Fewer clinics rated local and state enforcement response as "excellent" than in the previous two years. Federal law enforcement excellent ratings remained constant.

In 1997, 31.6% of clinics rated local law enforcement response as "excellent," compared to 34.6% in 1996. The percentage of clinics rating state law enforcement response as "excellent" also declined in 1997, with 8.3% of clinics characterizing state response as "excellent" in 1997 compared with 13.5% in 1996. "Excellent" ratings were given by 16.8% of clinics to federal law enforcement response in 1997; federal law enforcement response received "excellent" ratings from 16.7% of clinics in 1996. (See Chart 8.)

The decline in the proportion of clinics describing law enforcement response as "excellent" did not for the most part produce a concomitant increase in ratings of law enforcement as "poor." (See Chart 9.) A slight increase in the percentage of clinics calling local law enforcement response poor did occur, with 8.3% of clinics in 1997 recording "poor" local law enforcement response compared with only 6.5% of clinics reporting local law enforcement response as "poor" in 1996. But fewer clinics designated state and federal law enforcement response as poor in 1997 than in previous years. Poor ratings for federal law enforcement declined from 6.7% in 1996 to 4.7% in 1997 and for state law enforcement from 4.8% in 1996 to 4.1% in 1997.

The slight decline in "excellent" ratings may in part stem from decreases in clinic violence in 1996 and 1997 which have reduced the percentage of clinics in contact with law enforcement at all levels. Substantial numbers of clinics indicated "don't know" when asked about law enforcement response in 1996 and 1997. In 1997, 38.3% of clinics reported "don't know" when asked to rate local law enforcement response, 75.5% when asked about state law enforcement response, and 61.4% when asked to evaluate federal law enforcement response.

An analysis of the law enforcement response "don't knows" in the 1997 data confirmed that clinics reporting no violence less likely to be able to characterize law enforcement response. A higher proportion of clinics which indicated "don't know" to questions about law enforcement response did not experience any violence in 1997 than were represented in the overall sample of clinics. Of those clinics who said they "don't know" about local law enforcement response, 83.8% had no violence. Of the clinics which said "don't know" when asked about state law enforcement response, 65.2% reported no violence; 71.2% of clinics who said they did not know about federal law enforcement response also reported no violence. Only 61.1% of clinics in the overall sample did not experience violence.

Arrest levels are a second indication of law enforcement response to clinic violence. Fewer clinics reported arrests for violence committed at clinic facilities in 1997 than in 1996. Of the clinics in the survey, 11.5% reported anti-abortion arrests for these crimes, compared with 15.7% in 1996. Of the 39 clinics noting arrests for violence at clinics in 1997, 31 reported misdemeanor arrests only, 2 reported felony arrests only, and 6 reported both felony and misdemeanor arrests.

The same percentage of clinics reported arrests for anti-abortion offenses away from clinic facilities in 1997 as did in 1996. The percentage of clinics reporting arrests for these crimes was 2.8% in 1996 and 2.7% of clinics in 1997. Misdemeanor only arrests were made at 5 clinics, felony arrests at 3, and one clinic reported both misdemeanor and felony arrests for violence that happened away from the clinics.

Nineteen clinics (5.6%) in the overall sample said criminal charges were filed against anti-abortion violators in 1997. Sixteen clinics (4.7%) reported criminal prosecutions for anti-abortion violence.

Another measure of changes in law enforcement response to clinic violence suggests that local, state, and federal law enforcement response improved slightly in 1997. Local law enforcement received the greatest net gain in response ratings. Eight percent of clinics in the sample said local law enforcement response had improved, compared with 2.7% which said local response had declined. Of the clinics, 5.3% said federal law enforcement response had improved, while 2.7% reported that response at this level had declined. Approximately the same percentage of clinics told us state law enforcement response had improved (2.9%) as told us that state response had declined (2.7%). Most clinics said that local, state, and federal law enforcement response had remained the same.

Lower levels of violence associated with better enforcement response

As in prior years, levels of violence correlated with law enforcement response. Excellent law enforcement response was more likely to be associated with no violence or lower levels of violence. Poor law enforcement appeared to be related to higher levels of violence. This relationship was statistically significant for local, state, and federal law enforcement response.

Of clinics which reported that local law enforcement response to clinic violence was "excellent," only 7.5% experienced high levels of violence. Of the clinics which said local law enforcement response was "poor," 35.7% experienced high levels of violence. Clinic evaluation of state law enforcement showed the same pattern, with none of the clinics that had rated state law enforcement response as "excellent" reporting high levels of violence and 28.6% of clinics that described state law enforcement response as "poor" experiencing higher violence levels. The pattern is a little less clear for federal law enforcement response, although the relationship between levels of violence and federal law enforcement response was statistically significant.

Law enforcement response also correlated with clinic reports of some specific types of violence. This relationship was particularly clear with the local law enforcement response variable. Statistically significant relationships at the $p<.05$ level were found between local law enforcement response and blockades, invasions, bomb threats, vandalism, stalking, death threats, and picketing at clinics. Statistically significant relationships also were found between state law enforcement response and stalking and federal law enforcement response was associated with picketing at clinics and neighborhood distribution of leaflets targeted at specific abortion providers. Better law enforcement corresponded with fewer reports of these specific types of violence.

CONCLUSIONS

A five year assessment of anti-abortion violence

The Feminist Majority conducted the first National Clinic Violence Survey in 1993 in the wake of the murder of Dr. David Gunn and the dramatic escalation in the intensity of violence at clinics which we had begun to see in late 1992 and early 1993. In 1994, another doctor was murdered as well as a volunteer clinic escort and two clinic receptionists. Death threats and stalking reached all-time highs. In response to this siege of the nation's women's health clinics, the pro-choice community mobilized heavily, winning passage of the 1994 Freedom of Access to Clinic Entrances Act (FACE) by Congress, working with clinics to heighten security, and working with law enforcement at all levels to ensure vigorous enforcement of FACE and state and local laws.

Throughout the five years of our National Clinic Violence Survey, an unacceptable number of clinics have continued to experience violence. The number of clinics experiencing severe violence, however, has gone from a high of one half of clinics in 1993 to one fourth in 1997. Anti-abortion violence peaked in 1994, with 51.9% of all clinics reporting severe violence. By 1995, this number had dropped to 38.9%, and, by 1996, the level was 27.6%. In its fifth year, the survey reports the lowest number of clinics experiencing severe violence — 24.8% of clinics in 1997.

Disturbingly, the proportion of the most besieged clinics increased slightly in 1997, for the first time since 1994. The pattern is clear. Anti-abortion violence is becoming more concentrated among a small number of clinics, with a segment of clinics subjected to multiple types of severe violence day-in and day-out. Personnel at these clinics are routinely being threatened, their children stalked, their pets murdered, and their property damaged.

Anti-abortion extremists are waging a national campaign of attrition. This strategy targets one set of clinics and health care workers today. Then, after these clinics perish or the health care workers quit, extremists move on to target another set of clinics. Anti-abortion violence has caused some clinics to close and some clinic staff to quit. Again, the efforts of pro-choice organizations and law enforcement have begun to minimize this outcome. In 1993, 1 in 5 clinics had staff members resign because of clinic violence. Staff quit levels were cut to 1 in 10 in 1994 and 1995, and dropped even further to about 1 in 25 in 1996. We are concerned to see even a slight increase in staff leaving clinics in 1997. Our data have shown consistently that good law enforcement response to clinic violence is key to the retention of clinic staff.

As a result of vigilance on the part of feminist advocates, abortion providers, and law enforcement, anti-abortion violence has significantly diminished in the five-year period of 1993-1997, with an increasing number of clinics reporting no violence. The percentage of clinics experiencing no violence, harassment, or intimidation has doubled over the past four years. In 1997, almost two-thirds of clinics reported no violence; only one third of clinics in 1994 were free from violence.

Tougher penalties resulting from FACE and the increased involvement of federal law enforcement officials as a result of FACE have played an important role in reducing threats to the lives of clinic workers. Death threats which were reported by 24.8% of clinics in 1994 were reported by only 5% in 1997. Similarly, in 1994, 17.8% said clinic workers and/or their family members were being stalked by anti-abortion extremists. The percentage of clinics which report stalking also declined to 5% in 1997.

The annual surveys have shown year after year that law enforcement response is absolutely crucial to the reduction of violence. For several years, our survey has reported on the statistically significant correlation between law enforcement response and most types of violence. Law enforcement response is particularly important at the local level. Our data show, and it makes empirical sense, that clinics interact more with local law enforcement than with federal or state authorities. Since 1995, we have seen improvements in all levels of law enforcement.

Over the past five years, the survey has documented shifts in anti-abortion strategies of violence, harassment, and intimidation. The most significant shift has been away from blockades and invasions at clinics and towards violent attacks and threats directed at abortion providers. Blockades and invasions have continued to decline, largely in response to passage of FACE as well as effective pro-choice strategies of outnumbering protesters and working with law enforcement to keep clinics open. Between 1993 and 1994 — a period in which 6 physicians and clinic workers were murdered — the survey verified the dramatic increase in death threats and stalking, which often have been the precursors to shootings.

Arsons, arson threats, bombings, and bomb threats represent an enduring threat to clinics. In fact, in the wake of the series of anti-abortion bombings in 1997, bomb threats have become one of the most prevalent anti-abortion strategies. In 1997, bomb threats and vandalism were the most common types of violence reported by clinics. The 1997 survey for the first time since 1995 found increases in arson threats, bomb threats, arson, and gunfire. And, these numbers do not even include the clinics bombed or those experiencing arson last year who were unable to participate in the survey.

As stated earlier, FACE has made a major difference in reducing clinic violence. The number of clinics which report FACE violations is an important index of violence at clinics. Even though FACE had been in effect for only five months in 1994 when our second annual clinic was conducted, 16.6% of clinics contacted federal officials about FACE violations that year. The number of clinics reporting FACE violations climbed to 20% in 1995, with one out of five clinics reporting FACE violations to federal officials. Between 1995 and 1996, the number of FACE reports plummeted to 7.7%. In 1997, FACE reports again increased to 12.7% of clinics.

FACE enforcement has shown marked improvement over the law's three years. Federal officials have responded to clinic reports of FACE violations more aggressively and have become less likely to automatically shift responsibility for dealing with clinic violence to local authorities. Still, a number of possible FACE violations continue without investigation, prosecution, or penalty.

As we conclude our fifth annual National Clinic Violence Survey, we are heartened by the continued decreases in violence, which can be attributed in large part to improved law enforcement, increased security at clinics, and our work and that of our abortion rights colleagues. At the same time, the results of the 1997 survey are in some respects a rude awakening. Increases in the proportion of clinics experiencing multiple types of violence, increases in clinic staff resignations, increases in several types of violence, and slight decreases in local law enforcement response — along with the virtual standstill in the overall level of violence — are a clarion call to the pro-choice community, clinics, and law enforcement that in 1998 we must redouble our efforts to end this reign of domestic terrorism at clinics.

APPENDIX 1

Clinics Responding to the 1997 National Clinic Violence Survey.

State By State

Alabama	6
Alaska	2
Arizona	11
Arkansas	2
California	51
Colorado	8
Connecticut	9
Delaware	2
Florida	31
Georgia	10
Idaho	1
Illinois	9
Indiana	4
Iowa	4
Kansas	4
Kentucky	1
Maine	3
Maryland	3
Massachusetts	6
Michigan	14
Minnesota	3
Mississippi	3
Missouri	2
Montana	3
Nebraska	2
Nevada	3
New Hampshire	3
New Jersey	7
New Mexico	3
New York	19
North Carolina	8
North Dakota	1
Ohio	14
Oklahoma	1
Oregon	4
Pennsylvania	8
Rhode Island	1
South Carolina	3
South Dakota	1
Tennessee	5
Texas	20
Utah	2
Vermont	4
Virginia	11
Washington	14
West Virginia	1
Wisconsin	4
District of Columbia	1
TOTAL	339

APPENDIX 2

State-By-State Analysis Of Thirteen States With Highest Levels of Anti-Abortion Violence During the First Seven Months of 1997

Alabama

One of the six Alabama clinics in the survey was bombed. The West Alabama Women's Center, sustained $250,000 damage when a firebomb gutted the building's interior in July. Two clinics received arson threats, and one clinic received a bomb threat. One clinic reported that staff members had been stalked. Two clinics reported staff resignations as a result of clinic violence. One clinic was vandalized. Two clinics reported that leaflets had been distributed at staff members' homes.

Arizona

One of the eleven Arizona clinics received death threats during the first seven months of 1997. Four clinics reported FACE violations to authorities. Three clinics reported staff resignations as a result of clinic violence. One clinic was vandalized.

California

Two of the fifty-one California clinics received bomb threats. One clinic was targeted for bombing in mid-March as a truck loaded with gas cans and propane tanks was driven into the Family Planning Associates Clinic of Bakersfield. One attempted arson was reported and the Family Planning Association Medical Group of North Hollywood sustained $1000 damage from a "Molotov Cocktail" was thrown through a window in early March. One clinic reported a FACE violation to authorities. One clinic reported staff resignations as a result of clinic violence. Two clinics were blockaded. Two clinics were invaded. Once clinic reported a chemical attack. Five clinics reported vandalism.

Florida

Three of the thirty-one Florida clinics received bomb threats. One clinic received an arson threat. Five clinics reported that staff members had been stalked. Two clinics received death threats. Four clinics reported FACE violations to authorities. Two clinics reported staff resignations as a result of clinic violence. One clinic was blockaded. Two clinics were invaded. Six clinics reported vandalism. Two clinics reported that staff experienced home picketing. One clinic was broken into or robbed. Two clinics reported that leaflets had been distributed at staff members' homes.

Kansas

One of the four Kansas clinics received bomb threats. One clinic received arson threats. One clinic reported that staff members had been stalked. One clinic reported that staff had received death threats. One clinic reported FACE violations to authorities. Two clinics were blockaded. One clinic was invaded. Two clinics reported vandalism. Two clinics reported that staff experienced home picketing. One clinic was broken into or robbed. One clinic reported that leaflets targeting specific clinic staff had been distributed in the neighborhood of these clinic employees.

Michigan

One of the fourteen Michigan clinics received bomb threats. One clinic reported an arson. Three clinics reported that staff had been stalked. Three clinics received death threats. Two clinics reported FACE violations to authorities. Two clinics lost staff due to clinic violence. One clinic was blockaded. One clinic was invaded. Five clinics were vandalized. One clinic reported that staff experienced home picketing. Two clinics reported gunfire. Three clinics were broken into or robbed. Two clinics reported that leaflets had been distributed at staff members' homes.

Mississippi

Two of the three Mississippi clinics received bombs threats. One clinic lost staff due to clinic violence. One clinic reported vandalism.

New Jersey

Three of the seven New Jersey clinics received bomb threats. One clinic reported FACE violations to authorities during the first seven months of 1997. One clinic reported staff resignations as a result of clinic violence. One clinic was blockaded. One clinic was vandalized. One clinic reported that staff experienced home picketing. One clinic reported that leaflets had been distributed at staff members' homes.

New York

Six of the seventeen New York clinics received bomb threats. Three clinics received death threats. Three clinics reported FACE violations. One clinic lost staff due to clinic violence. One clinic was blockaded. One clinic was invaded. Nine clinics were vandalized. One clinic reported that staff experienced home picketing. One clinic was broken into or robbed. Two clinics reported that leaflets had been distributed at staff members' homes.

Ohio

Four of the fourteen Ohio clinics received bomb threats. One clinic reported that staff members had been stalked. Two clinics received death threats. Four clinics reported FACE violations to authorities. One clinic lost staff due to clinic violence. Two clinics were blockaded. Five clinics were vandalized. Four clinics reported that staff experienced home picketing. Four clinics reported that leaflets had been distributed at staff members' homes.

Oregon

One of the four Oregon clinics received bomb threats. One clinic was bombed. Two Portland clinics sustained damage from arson. The All Women's Health Services Clinic and the Lovejoy Surgicenter suffered $5000 and $250,000 damage, respectively, from fires set by anti-abortionists. Two clinics reported FACE violations to authorities. Two clinics invaded. Two clinics were vandalized. Three clinics reported that staff experienced home picketing. One clinic reported that leaflets had been distributed at staff members' homes.

Texas

Four of the twenty Texas clinics received bomb threats. Two clinics reported arson attempts. Three clinics reported that staff members had been stalked. One clinic received death threats. Two clinics reported FACE violations to authorities. Two clinics lost staff due to clinic violence. One clinic was blockaded. One clinic was invaded. Five clinics were vandalized. Three clinics reported that staff experienced home picketing. One clinic reported gunfire. Two clinics were broken into or robbed. Three clinics reported that leaflets had been distributed at staff members' homes.

Washington

One of the fourteen Washington clinics received bomb threats. One clinic reported an arson. Two clinics reported attempted arsons. One clinic received death threats. Three clinics reported FACE violations to authorities. One clinic was blockaded. Four clinics were vandalized.

IWPR NOTE

While every effort has been made by IWPR to ensure that papers have been included in their entirety, in some cases this was not possible. IWPR regrets the omission of any additional materials and suggests that readers contact the author directly.

RELEASING A MEDICAL BREAKTHROUGH FOR WOMEN: FEMINIST MOVEMENT STRATEGIES TO BRING RU486 TO THE UNITED STATES

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ABSTRACT

The transfer of RU486 patent rights from Roussel Uclaf, a French pharmaceutical company, to the Population Council in 1994 represented a victory for the U.S. feminist movement. This paper discusses movement strategies to convince Roussel and its German parent company, Hoechst AG, to allow RU486 to come to the United States. Feminist organizations employed a series of pre-emptive strategies that neutralized the effect of the anti-abortion movement's campaign to stop RU486. They galvanized support for RU486 from feminist, scientific, and political constituencies; directly challenged boycott threats, the FDA import alert, and threats of violence; and developed alliances with segments within Roussel who supported RU486 distribution. Feminist campaigns for RU486, along with the actions of the Clinton Administration, enabled RU486 allies within Roussel Uclaf to execute the patent transfer.

On May 15, 1994, Roussel Uclaf, a pharmaceutical firm in France, transferred U.S. patent rights on RU486,[1] known as the "French abortion pill," to the U.S.-based Population Council. The transfer of patent rights enabled the Population Council to seek FDA approval for the drug. This historic event capped high visibility campaigns by U.S. feminist organizations to free a medical breakthrough held hostage by both the anti-abortion movement and the companies that owned RU486.

Used by some 200,000 women worldwide as a method of early abortion, RU486 is an anti-progestin that blocks the action of progesterone, a hormone necessary to sustain pregnancy. RU486 is administered in conjunction with a prostaglandin, which induces uterine contractions. Effective until the ninth week of pregnancy, the RU486 procedure in effect causes a spontaneous abortion or miscarriage. France approved RU486 for distribution on September 23, 1988, but Roussel pulled it off the market after anti-abortion protests. The French government declared the drug the "the moral property of women" and forced Roussel to continue making it available in France. RU486 became available in Great Britain in 1991 and the next year in Sweden.

Clinton's 1992 election is often viewed as the catalyst for the transfer of RU486 patent rights to the Population Council in 1994. Indeed, just weeks after the election, the FDA encouraged Roussel to submit an application for drug approval (*Wall Street Journal* 1993: A14; Scheman 1992). Days after his inauguration, President Clinton signed an executive order instructing Secretary of Health and Human Services Donna Shalala to "promptly assess initiatives [to] . . . promote the testing, licensing, and manufacturing in the United States of RU486 or other anti-progestins." In the end, Shalala successfully convinced Roussel that the full weight of the U.S. government was behind RU486. At the announcement of the patent transfer, Roussel's spokesperson acknowledged that Roussel had received large amounts of mail from both pro- and anti-RU486 forces, but said that "it was only when President Clinton changed the governmental policy and specifically asked Roussel to make the procedure available here that it, out of respect for the President of the United States, agreed to make every effort to comply with his request" (Roussel 1994).

More privately, feminist organizations were told that pro-RU486 letters and petitions to Roussel, and its German parent company, Hoechst AG, had consistently exceeded anti-abortion pleas and that this pressure was pivotal. Following the announcement, Sakiz (1994) wrote to Feminist Majority Foundation President Eleanor Smeal that "it is mainly your own determination and that of all the Feminist Majority Foundation's members and other pro-choice supporters that largely contributed to this successful issue." The Clinton Administration gave RU486 allies within Roussel the ammunition they needed to convince Hoechst that it was politically and economically expedient to transfer patent rights, but feminist organizations laid the groundwork for this path-breaking action.

This paper discusses feminist movement strategies for bringing RU486 to the United States. In order to license RU486 here, the feminist movement had to convince the patent holders -- Roussel and Hoechst -- to either apply for FDA approval or to license another company or institution to do so. I examine the multiplicity of feminist strategies during the period from when the drug first became available in France in 1988 to 1994, when the Population Council received U.S. patent rights, and the extent to which organized opposition and the European corporate targets of feminist campaigns helped shape these strategies.

While a variety of feminist movement organizations contributed to the drive to bring RU486 to the United States, the Feminist Majority Foundation (FMF) has led one of the most extensive campaigns. The FMF's RU486 campaign both inspired and reflected the broad range of strategies used by feminists, and, as such, is the focus of this analysis. This paper draws heavily on my experiences as the organization's Director of Policy and Research.

Since the anti-abortion campaign to stop RU486 began before the drug was even introduced in France, the U.S. feminist movement was placed in a counter-movement position. Feminists responded strategically to the tactical choices of the anti-abortion movement as well as by the actions of Hoechst and Roussel, their targets. Using primarily pre-emptive strategies that "undercut the moral and political basis of mobilization" (Zald and Unseem 1987), the feminist movement successfully diffused and neutralized anti-RU486 strategies. The feminist movement also was able to ally with RU486 supporters within Roussel and to capitalize on dissension between Roussel and Hoechst about RU486's future. Before assessing feminist movement strategies for RU486, it is first necessary to understand the strategies of abortion opponents and the dynamics of Hoechst and Roussel.

OPPOSITION TO RU486

In their campaign for RU486, feminist movement organizations faced the traditional constellation of abortion opponents -- anti-abortion organizations, the Catholic Church, the Bush Administration, and anti-abortion members of Congress. For anti-abortion forces, opposition to RU486 was a natural extension of their opposition to abortion in general. They termed RU486 a "death pill" and "human pesticide," and denounced the compound as a form of "chemical warfare against unborn babies." The virulence of opposition to RU486, however, was in large part motivated by the anti-abortion movement's strategic concerns. As a method of early abortion that works in the pre-embryonic and embryonic stages of pregnancy, RU486 challenged the very icon of the anti-abortion movement: the late-term fetus. The fact that RU486 terminates pregnancy in the embryonic stage of pregnancy directly threatened the credibility of this icon and the anti-abortion movement (Fraser 1988: 33). Anti-abortion forces further feared that the public might come to equate RU486 with contraception.

These symbolic threats to the anti-abortion movement were grounded in the reality that RU486 would expand abortion access. One study found that one-third of obstetrician-gynecologists who did not currently perform surgical abortions would be likely to administer RU486 if it received FDA approval (Kaiser Family Foundation 1995). By decentralizing the provision of abortion services, RU486 further threatened to undercut the use of intimidation and violence targeted at clinics and physicians. The fear that RU486 eventually could come into the direct control of women also was never far from the surface of anti-abortion debate.

The most visible anti-RU486 strategies were threatened economic boycotts, an FDA import alert, and threats of violence (Jackman 1997). Anti-abortion groups threatened to boycott everything from French wine to pharmaceutical products. A Catholic hospital boycott of pharmaceutical products was viewed as the most serious threat since Catholic hospitals controlled one-third of U.S. hospital beds (Palca 1989: 1319; Lader 1995: 125). After RU486 became available in France, Roussel received hundreds of letters from Catholic doctors threatening a boycott (Lader 1991: 50). At a 1992 meeting with Hoechst, the FMF was told that the Bishop of Austria had threatened that Catholic hospitals would boycott the company if RU486 were brought into Austria. Additional promises of economic reprisal came from the anti-abortion Robins Carbide Reynolds Fund, which threatened a multi-pronged economic pressure campaign aimed at consumers, industrial buyers, and investors (Pogash 1991: 10-15; Howlett 1990). Anti-abortion forces hoped that these threats would deter not only Roussel and Hoechst, but also any other companies that might consider marketing RU486 (Chapman 1989:13).

In another strategy, anti-abortion members of Congress in 1989 convinced FDA Commissioner Frank Young to issue an import alert on RU486, banning importation of RU486 for personal use (Hyde *et al* 1989; Helms 1989). On its surface, the FDA alert was instituted because "the intended use of such drugs could pose a risk to the safety of the user" (Food and Drug Administration 1989a), but Congressional hearings revealed that there was neither scientific basis for the alert nor a threat of a black market (Chesemore 1990: 37). Instead, the alert's main purposes were to signal Roussel that the Bush Administration was opposed to RU486 (Wyden 1990:2) and to cast doubt on the drug's safety.

Anti-abortion groups also threatened RU486 manufacturers with violence. In response to their decision to market the compound in France, Roussel received bomb threats and other threats were made against the families of company officials (Palca 1989; Henry 1988: 4A). Demonstrations by anti-abortion extremist groups, including Operation Rescue, ProLife Action League, Rescue America, and Advocates for Life Ministries, at French consulates and embassies, Hoechst subsidiary plants and at clinics conducting RU486 trials implied that violence was a probable anti-abortion strategy if RU486 progressed (deParrie 1993: 12; *Life Advocate*: 1995: 18).

THE TARGETS: ROUSSEL AND HOECHST

Because they controlled the decision whether or not to license RU486 in the U.S., Roussel and Hoechst -- not the government -- were the targets of both anti-abortion and feminist movement campaigns. RU486 opponents were dependent on Roussel and Hoechst's continued refusal to apply for a license to market RU486 in the U.S. RU486 advocates could not submit an application for approval without the direct involvement of the European patent holders.

Hoechst and Roussel were not monolithic on RU486. As Roussel CEO, Dr. Edouard Sakiz had led the compound's development (Greenhouse 1989a) and believed it represented a major medical advance. Sakiz felt Roussel made the wrong decision in bowing to Catholic Church pressure in the 1960s to stay out of the contraceptive field, and did not want to see this mistake repeated (Greenhouse 1989a). Moreover, Sakiz and his closest colleagues were strong advocates of women's rights. In stark contrast, Hoechst's CEO, Wolfgang Hilger, was an ardent abortion foe and a close ally of the Catholic Church (Lader 1991). In a letter to the International Federation of Gynecology and Obstetrics, Hilger wrote "It is my conviction that Hoechst should not market RU486. Commercialization of a drug facilitating -- and easing -- abortion is against Hoechst's corporate credo" (Newman:1). The tension between Hoechst and Roussel, along with the anti-abortion campaign against RU486, created the context for feminist movement strategies.

FEMINIST MOVEMENT STRATEGIES FOR RU486

To counter anti-RU486 forces, the feminist movement sought to demonstrate to Hoechst and Roussel that pro-choice forces were more numerous and powerful than abortion opponents. Towards this end, the feminist movement galvanized support for RU486 from the public and from feminist, scientific, and political constituencies; directly challenged boycott threats, the FDA import alert, and threats of violence; and developed alliances with segments within Roussel who supported RU486 distribution.

Solidifying the Feminist Movement Behind RU486

RU486 has been unique among reproductive health technologies in enjoying widespread support within the feminist movement. At the 1996 FDA public hearing on RU486, both FMF President Eleanor Smeal and Cindy Pearson of the National Women's Health Network pointed to the significance of women's health groups testifying with scientists in support of a reproductive health technology. Feminist unity behind RU486 was the result of sustained organizing by several organizations as well as the drug's safety and efficacy.

Before taking a position on RU 486, feminist advocates, including the FMF, the Reproductive Health Technologies Project (RHTP) of Bass & Howes, and the Population Crisis Committee, extensively researched the science of RU 486. They read scientific articles, conducted fact finding missions to Europe, and spoke with Roussel officials, clinicians, scientific experts, and women who had used RU 486. This research convinced feminists that RU 486 was a safe, effective method of early abortion. Feminists believed that RU486 would allow women to have abortions that were earlier, more private, and bore no risk of infection or uterine perforation. They stressed that RU486 also had the potential to expand the number of abortion providers, which would in turn undercut the violent tactics of anti-abortion extremists. In addition, feminists were impressed with the compound's enormous promise in treating such diseases as meningiomas, endometriosis, and fibroid tumors and its possibilities as a method of contraception, labor induction, and morning-after pill (Donaldson 1993).

Concerned that women's health groups had in the past opposed a number of reproductive health technologies, the FMF and the RHTP worked separately to educate and mobilize women's organizations on RU486. The FMF began an organizational resolution drive among women's groups, featured the drug in its widely distributed video, *Abortion for Survival*, and pledged its full resources to the drive including announcement of a ten million dollar endowment from its Board Chair, Peg Yorkin. Bass and Howes put together an RHTP advisory committee that from the beginning included women's health groups, population organizations, and abortion rights organizations and sponsored a variety of meetings involving these diverse constituencies. These efforts and the drug's solid safety record won support from groups such as the National Women's Health Network, which in the past had expressed skepticism about other chemical reproductive technologies.

The only opposition to RU486 that could possibly be termed "feminist" came from a small group of professors and scientists affiliated with FINRRAGE, an anti-technology group based in Europe. In *RU 486: Misconceptions, Myths and Morals*, the Institute for Women on Technology referred to the RU486 procedure as a "drug cocktail", attacked its safety, and argued that access to RU486 would undermine the availability of surgical abortion (Raymond, Dumble, and Klein 1991). However, feminist movement organizations moved swiftly and effectively to counter the book factually. On the same day that the book was released, the FMF issued a series of reports on

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the safety, efficacy and possible additional uses of RU486, which then received equal media coverage. The Feminist Women's Health Centers also came to the defense of RU486 (Callum). In the end, the feminist credibility of groups like the FMF and Feminist Women's Health Center prevailed and references to this "feminist" critique of RU486 resurfaced only in anti-abortion publications.

Mobilizing Scientific and Medical Support for RU486

Feminist organizations also worked to galvanize support for RU486 within the scientific and medical community. The FMF viewed the scientific organizing drive as a strategy to counter the safety and efficacy concerns raised by anti-abortion forces, to highlight the campaign to stop RU486 as a threat to scientific research, and, most importantly, to convey to the European pharmaceuticals that one of their key constituencies -- the scientific and research community -- was outraged by the companies' refusal release RU486.

The FMF's scientific organizational resolution drive included identifying and briefing resolution sponsors, attending conferences, and participating in organizational deliberations. Passage of a resolution at the American Association for the Advancement of Science in 1991 was a landmark in this concerted effort. Following the success at AAAS, the FMF instigated passage of similar resolutions at the American Institute of Biological Sciences, American Pediatric Society, Endocrine Society, and the American Psychological Association among other groups. By 1994 almost every major scientific and medical organization had taken a pro-RU 486 stand. To buttress this institutional scientific support, mailings to members of the American Women In Science, National Academy of Sciences, and university science departments produced over 3000 petitions from individual scientists and academics urging release of RU486 and expanded research on its multiple indications. In addition, the FMF formed a national scientific advisory committee comprised of prestigious scientists and clinicians.

The FMF organized delegations of prominent scientists and feminists to travel to Paris and Germany to make this support visible to Hoechst and Roussel. A July 1990 FMF delegation was the first delegation to meet with Roussel CEO Dr. Edouard Sakiz on the topic of RU486. The ten-member delegation included feminist leaders Eleanor Smeal, Peg Yorkin, and Patricia Ireland; prominent scientists such as Dr. Carl Djerassi of Stanford University who synthesized the first oral contraceptive, Dr. Allan Rosenfield, Dean of the Columbia School of Public Health, and Dr. Myron Allukian, President of the American Public Health Association; and practicing gynecologists and scientific researchers. Dr. Sakiz reportedly was favorably impressed by this delegation (Bass and Howes 1990: 7).

Galvanizing Public Support

Aware that anti-abortion organizations were using public pressure tactics to dissuade European pharmaceutical companies from making the drug available, the FMF in 1989 launched a massive nationwide direct mail campaign to generate pro-RU 486 petitions aimed at Hoechst and Roussel. Both publicly and privately, Roussel officials encouraged the outpouring of support for RU486 to counter anti-abortion threats (Greenhouse 1989b). The FMF campaign produced over 700,000 petitions. These petitions were delivered to the companies at strategic junctures when it was felt additional pressure was needed. For example, the July 1990 FMF delegation brought 800 lbs. of petitions to Roussel, which Dr. Sakiz then arranged to have shipped to Hoechst for the delegation's meeting in Frankfurt. Contrary to McCarthy's (1987) claims that over-reliance on direct mail can be a detriment to movements, direct mail was one of the only strategies that could have produced such a massive quantity and constant flow of petitions to Roussel and Hoechst. In addition, the RU486 direct mail campaign created enormous visibility for RU486 within the pro-choice community. Anticipating continued obstacles, the FMF kept up the flow of petitions even after the transfer of patent rights.

To further galvanize public outcry over the withholding of RU486 from American women, feminist organizations also garnered media coverage and media support for RU486. Groups developed fact sheets, did interviews, held press conferences, and organized demonstrations. They invited clinicians and advocates from countries in which the drug was available to participate in press conferences and Congressional hearings. By the time RU486 patent rights were transferred to the Population Council almost every major newspaper had editorialized in its favor and public opinion polls gave high ratings to a drug that was not even on the market.

Leveraging Political Support

One of the biggest challenges that feminists groups had to overcome was Bush Administration opposition to RU486. Roussel and Hoechst officials remained steadfast that RU486 could not be licensed in any country without an official government request. In an attempt to negate Bush Administration opposition, feminists turned to alternate sources of political support, including state legislatures and city governments. Ultimately, with the change in the political opportunity structure following the 1992 election, feminists secured U.S. government support.

A drive for state legislative resolutions began with passage of a resolution in New Hampshire which urged introduction of RU486 and offered New Hampshire as a test site. Media attention around the New Hampshire resolution and a concerted campaign by feminists to introduce resolutions in other states resulted in passage of similar measures in California and introduction of resolutions in at least nine other states. In addition, feminists worked closely with New York City Mayor Dinkins to win support among municipal mayors.

With the 1992 election, the federal government shifted from being an opponent to being a resource for feminist organizations. Not only did women's organizations aid Clinton's election, but after the election feminists immediately asked the Administration to help RU 486. Feminist groups communicated with transition team members, gathered information on Clinton and Gore's campaign statements on RU486, and drafted memos outlining actions the Administration could take. The resulting presidential executive order and the pro-RU486 actions of Secretary Shalala and the FDA satisfied Roussel's requirement for an official U.S. invitation to make the compound available.

Forging Insider/Outsider Alliances

At the same time that feminist organizations waged highly visible campaigns for RU486, they also served an important role in the non-public ongoing negotiations for the compound. Because of the longevity of its RU486 advocacy, the FMF developed relationships with Roussel, the Population Council, and the FDA. A particularly important and close alliance emerged between the Foundation and several Roussel officials, including Dr. Sakiz. As a result of their July 1990 Paris meeting with Sakiz, Foundation leaders began to comprehend the full extent of Sakiz's commitment to RU486. The Foundation also forged a close relationship with Roussel's Director of Communications and Scientific Relations, who was one of Sakiz's closest colleagues and a feminist activist within the company. Both Sakiz and this female colleague had been involved in the development of RU486 and favored the drug's distribution. Even after Dr. Sakiz stepped down as Roussel CEO, he and his colleague retained responsibility for RU486 and ultimately executed the transfer of RU486 patent rights to the Population Council. The FMF remained in constant contact with these inside allies, communicating by phone and fax and meeting with them on numerous occasions in Paris and the United States.

Frequent communication with these Roussel officials produced informal two-way flows of information about when pressure would be necessary, which pressure points were key, and scientific developments. These conversations produced strategic insights and aided the FMF in developing effective and timely strategies. The FMF constantly apprised Roussel allies of activities by both RU486 proponents and opponents, faxing news coverage, press releases and other information. This information was useful to Roussel allies who needed to show Hoechst that there was demand for the product and to be able to anticipate obstacles to availability.

Challenging and Transforming Anti-abortion Strategies

Along with countering the impact of the anti-abortion campaign with strong shows of RU486 support, feminist organizations directly challenged, diffused, and transformed the primary tactics of their opponents. Feminist strategies to undercut anti-abortion boycott threats, an FDA import alert on RU486, and threats of violence were especially noteworthy. In each case, feminists succeeded in transforming these largely symbolic anti-abortion strategies into opportunities for pro-RU486 mobilization and publicity.

Feminist organizations neutralized boycott threats by conveying to Roussel and Hoechst that withholding RU486 would have its own set of economic consequences. RU486 supporters demonstrated through petition drives, state legislative resolutions, and polling data the strength of their numbers and their ability to mobilize. Support from scientific and medical organizations also was intended to show that these pharmaceutical firm constituencies would stand behind a decision to introduce RU486 to the United States. Another component of the feminist strategy was to create dissension within Roussel and Hoechst's network of business relationships. The FMF launched a "Web of Influence" campaign that identified and encouraged pro-RU486 pressure on companies, unions, and financial institutions that did business with Hoechst and Roussel. The FMF also used direct action strategies to make this campaign visible such as holding a demonstration at a race co-sponsored by Hoechst Celanese and NIKE, which used Hoechst fibers to manufacture sportswear.

Some abortion rights supporters even made direct boycott threats of their own. Physicians at the 1988 meeting of the World Congress of Obstetrics and Gynecology after Roussel took RU486 off the market in France threatened to boycott the company's pharmaceutical products (Palca 1989:1320, Simons 1988). Holtzman demanded that New York City's Health and Hospitals Corporation stop buying products from American affiliates of RU486 manufacturers "until the companies make a good faith and serious effort to bring the drug into the U.S." (Holtzman 1992).

In addition, feminists challenged the viability of anti-abortion boycotts of Hoechst and Roussel. A study commissioned by the FMF found that a direct consumer boycott would be nearly impossible because most products manufactured by Hoechst were ingredients of products actually marketed by other companies (Corporate Campaign, Inc. 1992: 171). Feminists also attacked the ethics of a pharmaceutical boycott, decrying the tactic as yet another example of "medical McCarthyism" (Feminist Majority Foundation 1994).

Another set of RU486 supporters, with the support of feminist groups, postured themselves as competitors with Roussel for the RU486 market in order to put additional pressure on Roussel and Hoechst. Abortion Rights Mobilization (ARM) obtained and tested the Chinese version of RU486, and developed an American clone. The organization also announced a possible legislative strategy to remove RU486 patent rights from Roussel (Lader 1995).

Another anti-abortion strategy, the FDA import alert, was converted by feminists and Congressional allies from an obstacle to the marketing of RU486 to a liability for the anti-abortion movement. Congressional hearings, led by Congressman Ron Wyden, exposed the alert as politically motivated and produced evidence from leading scientists that it had hindered research on non-abortion uses of RU486 such as Cushing's Syndrome, breast cancer, and meningioma. Patients suffering from diseases which RU486 had the potential to treat testified against the alert. Scientific organizational resolutions condemned the alert, saying it "may cause confusion, delays, and obstacles for scientists seeking the drug for research purposes" (Endocrine Society Council 1991). Because of these strategies, freedom of scientific inquiry and RU486's far-reaching promise as a medical treatment displaced the safety issues that anti-abortion forces had attempted to raise with the alert.

A legal challenge to the FDA alert generated massive publicity about RU486 and further portrayed the FDA as an agency motivated by politics rather than science. Abortion Rights Mobilization recruited Leona Benten, a pregnant woman, to violate the alert by bringing a dosage of RU486 from England to the United States (Lader 1995). Customs seized the RU486 from Benten upon her U.S. arrival. In his decision ordering the return of RU486 to Benten, Federal District Judge Sifton suggested that the alert had been based on "political considerations having no place in FDA decisions on health and safety" (Sifton 1992). While Sifton's ruling was overturned on appeal, RU486 advocates won the public relations war over the import alert.

Feminists also effectively turned anti-abortion threats of violence to the advantage of RU486. The very anti-abortion violence that was meant to deter RU486 manufacturers from taking steps to make RU486 available was reformulated by abortion rights supporters as a reason for marketing the compound. RU486 advocates argued that availability of the compound in the United States would "put anti-abortion extremists out of business since it can be administered in any doctor's office" (Feminist Majority Foundation 1992). Media editorials and policy makers also took up the theme of RU486 as a way to end clinic violence.

CONCLUSION

The transfer of RU486 patent rights to the Population Council is clearly a feminist movement success story. Faced with an anti-abortion campaign that threatened boycotts and violence and that had won an FDA import alert, the feminist movement employed a series of pre-emptive strategies that effectively unraveled anti-RU486 strategies and neutralized their effect on Hoechst and Roussel. Using the media and direct mail, a united feminist movement successfully mobilized hundreds of thousands of movement adherents in order to counter anti-abortion pressure on Hoechst and Roussel. Through a scientist petition drive and passage of organizational resolutions by almost every major medical and scientific organization, feminist organizations galvanized unprecedented scientific activism on behalf of RU486. With strategies crucial to mobilization and issue creation (Cobb and Ross 1997, Stone 1988), the feminist movement constructed messages which were successful in linking RU486 with women's concerns for access to earlier, more private, and safer abortions and to medical advances, women's organization's concerns about a shortage of abortion providers and clinic violence, and the concerns of medical and scientific organizations about freedom of scientific research.

Feminist movement relationships with feminist insiders at Roussel were essential to the organizing drive, much as similar insider-outsider alliances have advanced feminist reforms in the public arena (Steinberg 1988; Costain 1982; Tinker 1983). Moreover, as in other social movement success stories (Jasper and Poulsen 1993: 648, Huberts 1989: 400), feminists were able to take advantage of cleavages and divisions within Roussel and Hoechst over RU486. Through their relationships with Roussel, they were able to maximize the impact of feminist, scientific, and public support for RU 486. At the same time, RU486 supporters within Roussel were able to use feminist organizations as a resource in their internal campaign. The highly visible feminist campaigns for RU486, along with the actions of the Clinton Administration, provided the necessary counter to anti-abortion forces and enabled Roussel officials to win Hoechst's agreement to transfer U.S. patent rights to the Population Council.

Unfortunately, this clear-cut feminist victory has not translated into immediate RU486 availability. Two years after the patent transfer, the Population Council submitted an FDA application for mifepristone, and, in September 1996, the FDA awarded RU486 "approvable status." But business problems have delayed final approval and introduction. While feminist organizations have continued to work with the Population Council and its commercial partner to expedite RU486 introduction and to keep the project accountable to the women's movement, feminists have no direct control over the project, and confidentiality issues and the lack of a new clear target for feminist campaigns have inhibited the kinds of mobilization strategies so successful in setting the stage for the patent transfer. Nonetheless, the success of feminist organizations in helping to release this important medical breakthrough from multi-national pharmaceutical companies attests to the movement's ability to overcome women's rights opponents in order to win gains from private institutions as well as from the state.

ENDNOTES

[1] RU486 is now called by its scientific name, mifepristone, in the United States. As a condition of the transfer of patent rights in 1994, the Population Council can no longer use the term RU486, which identified the drug as a product of Roussel Uclaf. Since the focus of this paper is events leading up to the transfer of patent rights and "RU486" was the common nomenclature for the drug during this period, I use the term RU486 throughout this paper.

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EFFECTIVENESS AND THE RELIGIOUS RIGHT: AN ANALYSIS OF ABORTION POLITICS AND POLICIES IN OREGON

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Abortion policy has changed dramatically in the nine years since the Supreme Court cleared the way for state restrictions with its 1989 *Webster* ruling.[1] Since that time, numerous states have enacted legislation making abortion less safe, less available, and more coercive for adult and teenage women alike. Although abortion is still legal, the Supreme Court no longer considers it a fundamental right.[2] As a result, abortion policy today looks increasingly like abortion policy in the pre-*Roe* era: state policies are highly inconsistent and politically unstable, and affect women differently based upon their class, age, race, and geographical location.

The move to restrict abortion has been successful for a number of reasons, but most prominently, backlash against women's social and economic progress has flowered into a pro-life movement that seeks to conserve the nuclear family and the traditional role of women within it.[3] The success of anti-abortion regulations is related often to the ability of pro-life organizations to coordinate their efforts through the manipulation of local political party structures.[4] Without access to party structures, local pro-life efforts often produce little more than isolated and temporary victories.

Contemporary social movement theory verifies this assumption. McAdam's political process theory[5] proposes that in order to succeed, a social movement must experience the simultaneous emergence of three variables: increased political opportunities, enhanced indigenous organization, and cognitive liberation. *Political opportunities* come when external forces express interest in accommodating the social movement's demands. Alternatively, *indigenous organizational strength* is realized when the primary members of the would-be movement experience a burst of internal power through increased resources and movement organization. Finally, the combined result of the previous two variables is the emergence of the last: *cognitive liberation*, or hope. In order to feel compelled to act, movement participants must sense that the potential benefits of participation are likely to outweigh the costs. The remainder of this paper considers the strength of the pro-life right in Oregon and its immediate ability to command a change in Oregon's abortion law, through the lens of political process theory.

OREGON: LIBERTARIAN HEART, LIBERTARIAN LAWS

Oregon's unique political culture has gotten national attention in recent years. In the 1980's, the *Almanac* described Oregon as "happily liberal." Despite recent urbanization and booming hi-tech industries, the state maintains a libertarian-pioneer spirit reminiscent of its earlier days. Geographically, the state is split between its liberal university cities in the western Willamette Valley and its conservative suburban and eastern rural areas. The conservative rural areas have grown increasingly able to influence the state's suburban congressional districts in recent years.

Although political culture in recent years has grown more conservative, the state's social policies reflect a libertarian bent. Oregon is the first state in the nation, for instance, to legalize physician-assisted suicide through its Death with Dignity law, and has a trailblazing health care policy that rations health care benefits. Perhaps the most telling feature of Oregon's culture is that it is still the least churched state in the union.[6]

Oregon exhibits a distinct preference for individual liberties, and that preference extends to abortion. Remarkably, the state provides full public funding of abortion for indigent women by providing abortion funding to all women eligible for the state medical programs. Oregon is one of only 15 states that currently provide financial assistance for abortions under all or most situations.[7] Oregon's public funding commitment was affirmed in 1983, when the state's appeals court declared that the state constitution made exclusion of medically necessary abortions from the state's medical program unconstitutional.[8] In addition, the state has resisted thus far the trend toward imposing waiting periods on women seeking abortions. While 19 of the 50 states impose waiting periods of 1 hour to 72 hours, Oregon provide no such barrier, an important fact given the diminishing number of abortion providers in the state and its vast rural communities.[9] By far the most wide-spread and popular trend today in abortion restrictions, limitations on minors' access to abortion, have not reached this Northwest state either. According to NARAL's most recent figures, 40 states have passed consent or notification laws; of these, 31 are presently enforced.[10] Finally, Oregon law contains no explicit provisos against late-term abortions, although recently the legislature has considered this option.

The distinctly liberal character of the Oregon law is especially apparent when one compares the state with the rest of the western region. Oregon's law stands out in Table 1 as clearly the most liberal, with Hawaii a close second. Oregon has the distinction of being the only western state that imposes none of the possible restrictions listed. In addition, Oregon provides public funding for the abortions of indigent women in all circumstances. Every other state in the region imposes at least one obstruction to abortion access, as Table 1 reveals.

Given the uniquely liberal law in Oregon, one might assume that there is no powerful presence of pro-life activists in the state. In fact, the pro-life movement has gained momentum in recent years. The state's rapidly changing population has led to a growing conservative voice that simply has yet to exercise influence upon the state's abortion policies.

INSTITUTIONS AND POLITICAL ALIGNMENTS

Politically, the state is currently managed

Table 1
Abortion Law in the Western States[1]

State	Waiting Period	Public Funding	Restrictions on Minors	Physician-Only Requirement	Informed Consent	Late-Term Restrictions
Alaska	None	All/Most Cases	Consent Law	Yes	Yes	Yes
Arizona	None	Life, Rape, Incest	Consent Law	No	No	Yes
California	None	All/Most Cases	Consent Law	Yes	Yes	Yes
Colorado	None	Life, Rape, Incest	Consent Law	Yes	No	No
Hawaii	None	All/Most Cases	None	Yes	No	No
Idaho	24 Hours	All/Most Cases	Notice Law	Yes	Yes	Yes
Montana	24 Hours	Life, Rape, Incest	Notice Law	Yes	Yes	Yes
Nebraska	24 Hours	Life, Rape, Incest	Notice Law	Yes	Yes	Yes
New Mexico	None	Life, Rape, Incest, & Health	Consent Law	Yes	No	No
Oregon	**None**	**All/Most Cases**	**None**	**No**	**No**	**No**
Utah	24 Hours	Life, Rape, Incest	Notice Law	Yes	Yes	Yes
Washington	None	All/Most Cases	None	Yes	No	Yes
Wyoming	None	Life, Rape, Incest	Consent Law	Yes	No	Yes

Source: NARAL, *A State-by-State Review of Abortion and Reproductive Rights*, Special Edition, 1998

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by a divided government. Oregon has elected three consecutive liberal Democrats to the governor's mansion. Republicans have retrieved both houses of the legislature in the 1990's after a lengthy period of Democratic control. The state Senate is heavily dominated by Republicans (20 Republicans to 10 Democrats), though the Republican majority in the House is slim (31 Republicans to 29 Democrats). As the conservative legislature moves toward restriction, a pro-choice governor may be a key resource to liberal activists.

Another relevant feature of Oregon institutions is its amateur, or Acitizens, legislature.[12] Oregon's legislature has all the features of a classic amateur legislature. It meets, for instance, for only six months during odd-numbered years. For most members, legislative service in Oregon is considered a part-time position. Most state legislators report a majority of their earnings from other careers. Perquisites in the job are few, and average staff size is small relative to that of other states' legislators.

The consequences of Oregon's political institutions are relevant to the future of abortion policy. As pro-life activists gain direction and organization in the state, they will most likely feel an incentive to use the state's initiative process over the legislative route for several reasons. First, the last three governors have been liberals, which means that any restrictive legislation passed through the legislature would almost certainly face a veto. What is more, moderate Republican representatives from affluent suburbs are likely to dodge the abortion issue altogether, preferring silence on this polarizing issue.[13] Finally, since the legislature meets so infrequently, it is likely to be overwhelmed with traditional budgeting issues such as infrastructure, transportation, and education, and might literally not have the time to deal with abortion.

As a result of these institutional particulars, the Oregon initiative holds certain virtues. In addition, it is widely recognized as having a low threshold for participation, and depends entirely on the organization and resources of activists. Depending on the ability of activists to command the resources to mobilize abortion-related measures, it seems likely that activists will pursue the initiative route if thwarted in the legislative process.

AN EMERGING POLITICAL OPPORTUNITY

The Oregon pro-life movement has enjoyed improved political opportunities in recent years. In part, the political identity of the state is changing. In the past decade, Oregon has been overwhelmed by immigrants who bring competing interests into the state. In terms of party identification, an increasing percentage of Oregonians are declaring themselves Independents. But the drain from the two parties seems to be affecting Democrats more than Republicans, perhaps signaling a softening of the state's liberal culture. In 1988, 48% of registered voters were Democrats, 39% registered as Republicans, and 13% registered as members of minor parties or as "unaffiliated." By 1996, however, only Democratic registrants dipped to 41%, while 36% were Republicans, and 23% were Aunaffiliated." In short, Democratic registrants dropped 7 points; Republican registration fell only 3 points. Although Democrats still maintain the advantage, the margin has narrowed.

Falling Democratic identification helps explain how the Republicans took over the state legislature. While many of the Republican members of the legislature are social moderates, a few vocal opponents of abortion rights have become a symbol of change to all watching the abortion debate. For pro-life activists, the election of even this handful of sympathetic legislators has emboldened them to press ahead with their agenda.

Pro-life advocates in the state cite increased energy around their issues as a result of national policy changes. First among these is the U.S. Congress' passage of the late-term abortion restriction proponents dubbed the Apartial birth abortion" ban. The Republicans' success in passing that legislation twice, in addition to public support for the law, embolden movement leaders locally to pursue similar legislation. Although passage of the partial-birth ban is the most high-profile example in the trend toward federal abortion restrictions, it is certainly not the only example. In recent years, Congress has been successful in limiting access for military personnel, federal prisoners, and federal employees. These federal changes open political opportunities for activists in the states by changing the climate in which the state debate takes place.

The recent emergence of radical anti-abortion groups in Oregon testifies to their enhanced political opportunities. In the last decade, Oregon has experienced the emergence of a pro-life organization more radical than older groups like Oregon Right to Life (ORTL) and Christian Coalition. The Oregon Citizen's Alliance (OCA) got its start in 1986, when Baptist minister and OCA founder Joe Lutz won 42% of the vote in a Republican Senate primary against long-time Oregon Senator Bob Packwood. In that same year, the OCA put up a ballot initiative, Measure 8, to ban abortion. In that same year, the ORTL offered Ballot Measure 6, which would have ended state funded-abortions through a constitutional change. Both measures failed, but membership in the OCA grew: today, just 12 years later, the organization claims 18,000 members and a mailing list of 200,000 households.

In 1990, the OCA stepped up its anti-abortion efforts, but failed when voters rejected its abortion ban initiative soundly by a 68%-32% margin. In that year, however, the organization nearly won another ballot initiative; its parental consent measure was narrowly defeated, 52%-48%. Perhaps most significantly, the OCA's 1990 candidate for governor, Al Mobley, managed to win 13% of the vote B a telling sign of the emerging conservative vote in Oregon.

In addition to the OCA, the state is also home to a growing Right to Life organization. Gayle Atteberry, Executive Director of ORTL, says she is encouraged by national-level abortion regulations and is confident that Oregon will soon enact some of its own. She also says the organization has today roughly 14,000 ongoing, sustaining members (a 15% increase over 1990), and at least 120,000 consistently pro-life households. She argues that the organization's substantial volunteer base and increasing membership list will shortly have an impact on public policy.

Pro-life activists Mabon and Atteberry agree that one promising opportunity for abortion restrictions is the state's legislative term limits law, which is removing over 20 members of the state legislature in 1998. Both activists hope to replace older, moderate Aterm-limited" Republicans with younger, socially conservative members.

Mabon and Atteberry disagree greatly, however, over the impact of the state's weak party organizations. Atteberry argues that the weak apparatus is an absolute benefit to ORTL, which can exercise influence on which candidates run in the state and how those candidates are funded. Mabon agrees that a weak party system can lead to isolated successes at the ballot box, but regrets that a weak party system makes it difficult to build a cohesive pro-life Republican effort. Mabon argues that the result is a lack of a concerted, organized party effort to shift public policy.

In sum, the right to life organizations have benefited in this decade by trends in national abortion policy, the election of a handful of devoted pro-life representatives at the state level, and by ideological shifts in the state. It remains to be seen what affect term limits will have on the make-up of the legislature, and there is apparent disagreement over the usefulness of loose party organizations.

INTERNAL ORGANIZATION STILL LACKING

Despite the improved state climate for the pro-life cause, the fact remains that the state's pro-life movement has been completely unable to change state policy. To some degree, the lack of policy success is due to the state's libertarian culture. And because the state is the least churched state in the country, the movement simply lacks the tremendous church resources often available to religious movements. Still, the external hurdles to pro-life advances are diminishing. What remains a substantial barrier, however, is continued internal dissonance and a failure to focus on party structure.

The apparent unwillingness or inability of the relevant pro-life groups to coordinate their efforts and take advantage of the increasing conservative presence in the state is striking. The Christian Coalition, Oregon Right to Life, and the Oregon Citizens Alliance each operate independent of one other, and in some instances, are at odds with each other on substantive and procedural issues. The ORTL's Gayle Atteberry, for instance, argues that the OCA's ballot initiatives delegitimize the movement as a whole because they are often too radical. Atteberry argues that to waste the time and resources of her organization for something unlikely to pass by voters and/or the courts is detrimental to the goal of future volunteer efforts.[14] Mabon, for his part, claims his primary goal is to educate — not to legislate — so compromise succumbs to principle.

What is more, the state's Christian Coalition is a shoestring organization that has struggled to remain viable. Oddly, the group's present membership drive prevents the organization's participation to a large degree in the 1998 elections, and so it remains peripheral to the ORTL and OCA. The Christian Coalition's survival may well be the key to improved odds for the movement in coming years. The Christian Coalition is famous for its ability to run successful local candidates and drive Republican party platforms. The state's Christian Coalition may well be the sleeping bear in the state's pro-life trio. But in the short run, the centrifugal forces within the pro-life movement will continue to benefit pro-choice organizations.

REFORM OPPORTUNITIES IN 1998

Oregon's legislature is presently not in session, but in the 1997 session, six abortion-related bills were introduced in the legislature. Only one moderate reporting measure, requiring better documentation and record-keeping for abortion procedures, passed the legislature. The governor signed the legislation without major objections from the state's pro-choice organizations.[15]

Because the legislature is presently not in session, activists are focussing their efforts on the upcoming fall elections. In addition to working on behalf of pro-life candidates, some activists are preparing two ballot initiatives to change the state's constitution. The OCA's initiative would amend the Constitution to prohibit second and third term abortions except in cases where the mother's life is threatened by continued pregnancy. OCA leader Lon Mabon claimed to have 65,000 signatures on May 1 B nearing two-thirds the necessary 97,681 valid signatures needed by July 2.[16]

The OCA is less actively gathering the necessary signatures for a second initiative authored by minor gubernatorial candidate, Walter Huss. Huss's initiative would extend constitutional rights to all human life, beginning at conception. Although the OCA is assisting Huss in achieving the necessary signatures, the organization is doing so only half-heartedly, recognizing that in this case limited political resources are better spent on a less drastic measure that has at least some chance of passing.

CONCLUSIONS

In Oregon, the increasing political opportunities for pro-life policies are not enough to change public policy. Despite enhanced opportunities due to immigration from other regions, the adoption of national restrictions on abortion, and particular features of Oregon's political institutions, the pro-life effort has failed to date. This failure comes in part from the disjointed party system in Oregon, which makes a concerted party effort for the pro-life cause more difficult by forcing the movement to focus on each candidate rather than being able to count on the party to find and fund pro-life candidates. The paper also highlights the importance of internal social movement organization and coordination in achieving policy success. For feminists in Oregon, there are two lessons here: First, policy change looks unlikely in the short run. Second, feminists must maintain their own inter-organizational capacities in order to be prepared for the eventual emergence of a truly coordinated pro-life effort in the state. A more integrated, party-focussed movement could come about through the emergence of a stronger Christian Coalition, which is legendary for state-level achievement. Sleeping dogs eventually awake, especially when opportunity calls them.

ENDNOTES

1. *Webster v. Reproductive Health Services* 492 U.S. 490 (1989).
2. The Court replaced its strict scrutiny test for abortions restrictions with an Aundue burden" test in *Planned Parenthood of Southeastern Pennsylvania v. Casey* 112 S.Ct. 2791 (1992), backing down from the previous principle that abortion was a woman's fundamental right.
3. Kristin Luker's work offers the most thorough description of the participants in this movement. Many other works have tracked the political activity and incentives of the movement. See *Abortion and the Politics of Motherhood* (Berkeley, Ca: University of California Press, 1984).
4. Clyde Wilcox and Mark J. Rozell (eds.) conclude in their state-level analysis that one of the highest predictors for Christian Right activism is its coordination with state parties. See *God at the Grassroots* (USA: Rowman & Littlefield Publishers, Inc., 1995).
5. *Political Process and the Development of Black Insurgency, 1930-1970* (Chicago: University of Chicago Press, 1982).
6. Many of the state cultural observations were gleaned from Michael Barone and Grant Ujifusa, with Richard E. Cohen, *The Almanac of American Politics 1998* (Washington, DC: National Journal, Inc., 1997) and from Thomas L. Mason, *Governing Oregon* (Dubuque, IO: Kendall/Hunt Publishing Co., 1994).
7. State regulations throughout the paper were found in NARAL, *A State-by-State Review of Abortion and Reproductive Rights* (Washington, DC: The NARAL Foundation, 1998).
8. See *Planned Parenthood Association v. Department of Human Resources*, 663 P.2d 1247.
9. In Oregon, 75% of the counties have no abortion providers. NARAL, op cite, page 104.
10. NARAL, op cite, page 154.
11. US Census Bureau.
12. Alan Rosenthal, AThe Legislature: Unraveling of Institutional Fabric," in Carl E. Van Horn (ed.), *The State of the States*, 3rd ed. (Washington, DC: Congressional Quarterly, 1996).
13. Lon Mabon, personal interview, 4/28/98, OCA; Lisa Horowitz, personal interview, 4/28/98, Oregon NARAL.
14. Gayle Atteberry, personal interview, 5/14/98, PSU.
15. Ch. 783, 1997 Or. Laws Adv. Sh. 77.
16. The OCA must submit many more signatures in order to compensate for invalid signatures.

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REPRODUCTIVE RIGHTS AT WORK: MIXED SUCCESS

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ABSTRACT

Women's independence requires both economic well-being and reproductive freedom, but employment practices often undermine women's reproductive rights, that is, their ability to decide whether and when to have children without losing their job. This paper reviews pregnancy discrimination suits brought in federal courts to identify common problems working women encounter, and reviews the role of such federal legislation as Title VII, the Pregnancy Discrimination Act, the Family and Medical Leave Act, and the Americans with Disabilities Act in mitigating women's burdens as they pursue paid work and motherhood.

Carole Pateman has observed that paid employment has replaced military service as the key to citizenship in the United States.[1] This observation helps us to see that facilitating women's access to employment has important political implications, as well as economic ones.

In this paper, I will address the nexus between women's reproductive self-determination and economic self-determination by examining the progress women have made in attaining reproductive rights in the workplace. Although I believe welfare, workfare, and child care belong on the reproductive rights agenda, I will leave those topics to other participants at this conference, and focus instead on policies that help or hinder reproductive health and fertility, pregnancy at work, childbirth, and leave immediately following birth or adoption.

Women make up nearly half of the labor force in the U.S., and two million are likely to be pregnant in any given year. Because nearly all American women become mothers, most combine motherhood with paid work at some point, and "pregnancy cases really span the economic spectrum," obstacles to reproductive rights in the workplace are of considerable significance.[2] Maids, managers, and blackjack dealers alike have brought their struggles for job security to the nation's courts.

Through collective organization, litigation, and lobbying, women have made tremendous progress since Congress enacted legislation against sex discrimination in the workplace in 1964 and since the Supreme Court began to take gender discrimination seriously in 1971. But that progress does not yet include a coherent national policy on pregnancy or parenting. A patchwork of federal and state laws provides varying levels of protection to different groups of workers, and leaves others with few options in managing their work and family lives as they ideally would. To an extent, the terrain today is shifting to more subtle areas, like making reasonable accommodations for pregnant workers and preventing discrimination against new mothers returning to work after a leave. At the same time, it is striking how many archaic practices and attitudes continue to be found in American workplaces. Perhaps no better evidence can be found than in the public reaction to Jane Swift's candidacy for lieutenant governor of Massachusetts. The fact that Swift is pregnant has generated national attention and far more buzz than her positions.

The idea of "mixed success" means not only that women have won some struggles and lost others, but also that our successes themselves are often mixed. The Family and Medical Leave Act (FMLA) is a prime example, and one which is emblematic for many people of the work/family debate engaging the nation. Twice vetoed by President Bush, FMLA was finally signed into law by President Clinton in 1993. It entitles workers to take up to 12 weeks of unpaid, job-protected leave in a year for certain family and medical reasons, including the birth and care of a newborn or newly adopted child, to care for a sick family member, or to take care of one's own serious health condition (pp. 202-3).[3] The FMLA applies to all public agencies and private-sector employers of 50 or more and covers two-thirds of the U.S. labor force (66.1 percent) (pp. 202, xvi). Put differently, fully one-third of American workers are not covered by the FMLA. Given the growth in small businesses, the percentage of covered workers may drop.

Some states pick up where the FMLA leaves off. Thirty-four states, the District of Columbia, and Puerto Rico have leave laws of their own. These vary greatly, often covering employees in smaller workplaces but guaranteeing less time off and time off for fewer reasons, and in some cases covering only state employees. (The FMLA specified that it does not pre-empt more generous state policies; p. 46.) For instance, Massachusetts provides female employees in workplaces of 6-49 workers up to eight weeks leave for the birth of adoption of a child. But the law applies only to women.[4] The reason for this restriction is hard to discern, since the law applies to adoption as well as birth, implicitly recognizing that parents take time off to care for the baby and not just to recover from childbirth.

The biggest obstacle for the two-thirds of the workforce covered by FMLA is that the leave is unpaid, and many people cannot afford to take advantage of it.[5] In addition, lesbian and gay parents may be shut out of its opportunities. Presumably, if an employee's partner gives birth to or adopts a child, and the employee has no legally recognized relationship to the child, then s/he could not take FMLA leave. Passage of the Employment Non-Discrimination Act, while not foreseeable in the near future, might help lesbian and gay parents to care for their children without jeopardizing their jobs.

Federal anti-discrimination law is probably the single most important vehicle for women's progress. In 1964, Congress passed Title VII of the Civil Rights Act to prohibit race, sex, and other forms of discrimination in employment. The Equal Employment Opportunities Commission (EEOC) issued guidelines in 1972 to treat pregnancy the same as other temporary disabilities, but the Supreme Court did not adopt that approach. Indeed, Congress had to amend Title VII with the Pregnancy Discrimination Act (PDA) in 1978 to overrule the Court's decision that discrimination on the basis of pregnancy is not sex discrimination. A coalition of labor and women's advocates successfully pressed for this significant legislation. A study of the first ten years of the PDA found it to be "a cost-effective policy because the benefits to women workers outweigh the costs to business."[6]

Specifically, the PDA prohibits discrimination against workers on the basis of "pregnancy, childbirth, or related medical conditions," and requires that pregnant workers similar to other employees in their "ability or inability to work" must be "treated the same" for all employment-related purposes. Like Title VII generally, it applies to employers of 15 or more, covering more workers than FMLA.

The PDA proved invaluable in an important battleground for many unions and women's advocates in the 1970s and 80s: the fight against restrictive "fetal protection policies" that barred all fertile women from potentially hazardous jobs. The Supreme Court ruled in 1991 that the PDA forbids this type of discrimination, because it impermissibly singles out women on the basis of their childbearing capacity and because infertility is not required to do the job.[7] Only a handful of states have gone farther than the PDA to afford workers protection against discrimination and threats to their reproductive health at work. California and Connecticut, for instance, forbid requiring sterilization as a condition of employment.[8]

Even though this decision maintained women's access to some 15-20 million jobs involving exposure to toxins, it, too, is regarded as a mixed success. Asking "What Feminist Victory in the Court?" in the op-ed pages, historian Ruth Rosen argued that the Supreme Court merely let women have the same chance as men to poison themselves.[9] Rosen's analysis, though more pessimistic than my own, contains a grain of truth. Because courts had previously interpreted occupational safety and health law to permit discriminatory "fetal protection" policies, the legal strategy had to shift to sex discrimination, and the PDA does not empower courts to order employers to clean up the workplace. But I would argue that sex discrimination law is not the culprit; rather, a declining political commitment to occupational safety and health for all working people is. Even if we get no new laws or more expansive court opinions in the next decade, political pressure on Congress and the Executive agencies to enforce the laws and regulations we do have would make a tangible difference.

Moreover, the Court's decision is important for another reason: it is the only national victory against the politics of fetal rights, something that threatens women's control over their medical care and fair treatment in the criminal justice system, as well as their progress in employment and access to abortion.

The dramatic and draconian policies that banned woman as a group from good industrial jobs can serve to overshadow the more mundane discrimination that women routinely face. Discrimination against pregnant workers has been rising throughout the 1990s. In 1997, women filed almost 4,000 pregnancy bias complaints with the EEOC, up from about 3,200 in 1992.[10] There are at least three possible explanations for the growth in bias complaints. At the simplest level, more women in the work force means more women to discriminate against. Media coverage of events like Anita Hill's testimony has generated public awareness about women's rights in general. And a very important change in anti-discrimination law gives aggrieved workers more incentive to sue, a process which can be so emotionally draining and time-consuming it might not seem worth the effort. The Civil Rights Act of 1991, passed by Congress in response to a series of Supreme Court rulings that made it more difficult for employees to win discrimination suits, gives workers the right to sue for compensatory and punitive damages, as well as the right to a jury trial; previously, a person bringing suit under Title VII was only entitled to back pay and job reinstatement. These changes may have had a major impact on women's willingness to bring pregnancy discrimination suits. Compare, for instance, the suit brought by an Indiana waitress who was fired at six months because her boss thought she was "too big" and should "stay home," and won back pay — out of which she had to give back unemployment compensation — to that brought by three Florida waitresses, also considered "too fat" to work, who won $786,257 in punitive damages after the law changed.[11]

My preliminary review of decisions on pregnancy discrimination identified a range of problems women are bringing to federal courts.[12] It is disheartening to see that employers are still asking female job applicants whether they plan to "get pregnant and quit," and to read about the pregnant Texas tax appraiser who was passed up for a promotion and then asked to train her new male superior. It is notable that after the passage of the PDA, some employers maintained policies that explicitly treat maternity leave worse than other leaves.

Some of the cases indicate that judges continue to be perplexed by pregnancy and the requirements of the PDA; others suggest that women's experiences exceed the limits of current legal doctrine. For instance, courts generally frown on people who are fired and do not look for a new job. This poses particular problems for pregnant women, who are not incredibly likely to be hired. Women who decide they want to work-part time during pregnancy or after their child is born often cannot arrange such a schedule with their employer, and unemployment compensation is only available to people willing to work full-time.

Two scenarios about which courts have reached conflicting conclusions include the claims of unmarried women who have been fired because their pregnancy offends their employers' sensibility, religious or otherwise, and those of women who try to return from leave only to find their job has been eliminated through "downsizing" or they have been demoted due to "corporate reorganization."

Another set of cases concern women who lose their jobs when they decide they want to extend their leave and/or who want a childrearing, rather than a pregnancy/maternity, leave. A variation on this theme is women's request for a longer leave to continue breastfeeding their babies. If they are not covered by FMLA, they have no recourse, because neither childrearing nor breastfeeding is a "medical condition" as understood by the PDA. These cases raise complicated and confusing issues. Generally speaking, it is good to see courts distinguishing between what is "medical" or biological and what is social. And yet, the law clearly leaves women workers in these situations short. A woman may experience the different phases of reproduction as a continuum, from pregnancy through labor and childbirth to breast feeding. She may not be able to pinpoint precisely the moment when her "pregnancy" leave ends and her "parenting" leave begins. The distinction between bearing and caring may not work for her. In these cases, the question becomes, should public policy accommodate these workers' preferences, and if so, how?

Finally, a growing number of cases concerns the twin problems of pregnant workers who need some adjustment to their schedule or responsibilities, and of who decides when a pregnant woman can keep working. Johnson Controls should have made it clear that women decide. And yet in the fall of 1997, the Massachusetts State Police implemented a mandatory policy forcing all pregnant women to go on modified duty. Modified duty prohibits interaction with the public, driving police vehicles, or working any paid details. Troopers were not individually evaluated to see whether they can carry out their full range of duties, which vary from homicide investigation to fingerprint analysis to road duty. Rather, they were summarily placed on modified duty as soon as they notified their supervisor of their pregnancy. (Perhaps the most sobering thing about this case is that a consultant to the EEOC helped draft the policy.)

The irony is that the State Police is forcing capable women out of their work, while in many instances, pregnant women who request job modification or light duty are not accommodated. Things as simple as needing extra trips from the assembly line to the bathroom or occasional help lifting a heavy object in a supermarket have been sufficient to cost pregnant women their jobs in Alabama and California. Federal courts have not yet interpreted Title VII to require employers to accommodate pregnant women who are temporarily disabled from performing some or all of their normal duties if they do not accommodate temporary disabilities in general, and less than a handful of states have addressed this problem in their own laws. The factory worker who needed extra trips to the bathroom prevailed in court, but on a race discrimination claim, since she proved that white pregnant women had been accommodated but she, a Black woman, was not.

Does the Americans with Disabilities Act (ADA), signed into law in 1990 and applying to employers of 15 or more, provide a remedy? The ADA requires employers to give disabled workers reasonable accommodation so they can perform their jobs, and defines a disability as "a physical or mental impairment that substantially limits one of the major life activities."

Although this definition leaves pregnant women without a remedy, I think it is generally sound — why put pregnancy, a finite condition that may or may not impair a woman, in the same category as long-term disabilities? Furthermore, even when individual women do experience difficulty at work, it may be the job itself that is disabling rather than the pregnancy, that is, rigid work rules and administrative recalcitrance, rather than the essence of the job, may make it impossible for a woman to perform at work. A pregnant Minnesota hairdresser who asked not to give permanents because the fumes gave her headaches could have taken on extra haircuts instead, but was denied accommodation even under that state's more generous human rights law.[13]

Interestingly, though, the ADA is being used to obtain accommodation of infertility, on the theory that reproduction is "a major life activity." A district court in Indiana ruled that a woman who was fired for absenteeism and poor performance during the course of infertility treatment could invoke the ADA; other courts have disagreed with this interpretation.[14] It is possible, then, that we could have the following situation: an infertile woman might arrange to come to work an hour late every day so she can go to doctor's appointments for hormone shots or blood monitoring. But if this woman succeeds in getting pregnant and wants to come in to work late because of her recurring morning sickness, she will be out of luck.

The cases suggest the resilience of stereotypes about women in the work place — that pregnant women can't measure up or simply don't belong; that mothers should be at home; but also sometimes hostility towards women who are perceived as putting their children ahead of their careers. Employer concerns about productivity and about liability intersect with these attitudes to the detriment of working women.

Finally, millions of full-time workers have no health insurance. Again, this poses specific problems for women — most health insurance plans deny new members coverage of pregnancy-related expenses for a full year after joining. As of 1994, only six states required all policies to pay for these expenses, which average $5,000 for a routine pregnancy and delivery.[15] In addition, many insurance plans are inadequate and do not cover such basics as contraception and abortion, which would allow women to decide whether to become mothers in the first place.

Further documenting patterns will help to point our policy discussions in a fruitful direction. Identifying whether particular occupational groups or racial groups are disproportionately employed in small businesses will help identify possible gaps in benefits coverage and legal protection. Since the average working woman will be pregnant twice in her career, can we argue as a matter of public policy that pregnant women should be accommodated because not to do so has a negative impact on an identifiable group? We can begin to have this discussion regardless of whether it seems likely that Congress would amend the ADA or the PDA for this purpose. Many of the conflicts described here — from the state troopers' to the grocery clerk's to the workers at Johnson Controls' — involved women who had the support of their unions. But since only about 14 percent of women belong to unions, these models of advocacy can only be replicated for a small fraction of the workforce. Education and organizing can play a role in other contexts: the growing market in corporate and state-mandated sexual harassment and diversity training can incorporate pregnancy discrimination issues. Continuing to generate awareness of the myriad ways our social arrangements still impose penalties on wage-earning mothers will help women make further progress in the future.

ENDNOTES

[1] Carole Pateman, "The Patriarchal Welfare State," p. 237, in Democracy and the Welfare State, ed. Amy Gutmann. Princeton, New Jersey: Princeton University Press, 1988.

[2] Maria Blanco, staff attorney at Equal Rights Advocates, quoted in Barbara Presley Noble, "An Increase in Bias Is Seen Against Pregnant Workers," New York Times, January 2, 1993.

[3] All page references are to A Workable Balance: Report to Congress on Family and Medical Leave Policies by the Commission on Leave; issued April 30, 1996, by the U.S. Department of Labor.

[4] Mass. Ann. Laws ch. 149, sec. 105D.

[5] In five states and Puerto Rico, pregnant women and other employees are covered by state-mandated temporary disability insurance programs that provide cost-effective partially paid leaves (A Workable Balance, pp. 47-8).

[6] Roberta Spalter-Roth, Claudia Withers, and Sheila Gibbs, "Improving Employment Opportunities for Women Workers: An Assessment of the Ten Year Economic and Legal Impact of the Pregnancy Discrimination Act of 1978," Institute for Women's Policy Research, 1990, p. 2.

[7] United Auto Workers v. Johnson Controls, Inc. 111 S.Ct. 1196 (1991).

[8] For a longer discussion of fetal protection politics in the workplace and related state laws and court decisions, see Chapter 2 of Rachel Roth, "At Women's Expense: The Costs of Fetal Rights" (1997 dissertation available from UMI).

[9] Ruth Rosen, "What Feminist Victory in the Court?," New York Times April 1, 1991.

[10] Noble 1993 and Sue Shellenbarger, "Recent Suits Make Pregnancy Issues Workplace Priorities," Wall Street Journal, January 14, 1998.

[11] EEOC v. Corinth, Inc. 824 F. Supp. 1302 (N.D. Ill. 1993), and New York Times, "Pregnant Waitresses Win $786,257 Judgment," February 8, 1998.

[12] The review draws from cases reported in West's Digest and law review articles.

[13] Roth 1997. On accommodation for pregnant workers or workers wishing to reduce their exposure to toxins before conception, see also Laura Schlichtmann, "Accommodation of Pregnancy-Related Disabilities on the Job," Berkeley Journal of Employment and Labor Law 1994 15(2), pp. 335-410, and Mary Becker, "Reproductive Hazards After Johnson Controls," Houston Law Review 1994 31(1), pp. 43-97.

[14] Courts are similarly conflicted about whether infertility treatment falls within the scope of the PDA.

[15] Harriet Brown, "The Other Pain of Childbirth," Health 1994 8(2), p. 120.

PREDICTING THE IMPACT OF POLICY: DEVISING A GENDER-AUDITING MODEL (IN THE UK)

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ABSTRACT

Despite the existence of equality laws and the development through the legal process of increasingly complex and sophisticated legal concepts of equality and avenues for redress, the economic position of women in society remains little changed. Equality laws are increasingly criticised for their pursuit of formal equality and for the gendered assumptions upon which they are based, along with the inherently 'male' nature of the legal system. The spotlight has increasingly moved in turn to the role of women themselves within the policy-making process and to the nature of that policy-making process itself. This paper focuses on the latter and examines recent initiatives in the United Kingdom to introduce gender impact assessment into all areas of policy-making.

INTRODUCTION

The Feminist Legal Research Unit (FLRU) is a research unit based in the Faculty of Law, University of Liverpool, UK. It acts as a focus for the activities of those undertaking research into law from a feminist perspective. FLRU organises an annual seminar programme, conferences and colloquiums and undertakes publishing initiatives. We welcome expressions of interest from visiting scholars and students.

Further information about this project can be found at: http://www.liv.ac.uk/~scooper/pip.html

PREDICTING THE IMPACT OF POLICY

The European Union (EU) is often portrayed as a 'women-friendly' organisation. Indeed its laws and policies have had a considerable impact within the sphere of equality law in many Member States, not least the UK. However economic statistics indicate that throughout the EU women continue to lag behind men in economic terms: women are paid less, are disproportionately represented amongst the low-paid and continue to be over-represented amongst the long-term unemployed. Gender segregation and gender discrimination are alive and well, and indeed noticeably resilient in the face of equality laws and policies.

This project addresses the continuing significance of gender as a factor in social exclusion in the European Union. To date we have explored the dichotomy between the market and social objectives of the EU, the role of different EU institutions in the law-making process, and the different types of legal instruments (both hard and soft law measures) used in the EU, all from a feminist perspective. We are currently engaged in a study, Predicting the Impact of Policy (PIP), which examines the progress of EU laws and policies through the law-and policy-making processes of its Member States. This is of central importance in the EU because it is primarily to the Member State institutions that the EU looks for implementation and enforcement of its laws and policies. Case studies on the equalisation of pensionable ages, following the Barber decision, and on the Recommendation on Childcare, are being carried out in each of the five partner states involved in this project. From these and related studies it is proposed to develop a model of ***gender auditing:*** a scrutiny mechanism or process which could be built into EU law- and policy-making to ensure that the likely gender impacts of policy initiatives can be identified and taken into account in decision-making. The PIP project is co-ordinated by Fiona Beveridge and Sue Nott at FLRU and is funded by the European Commission through its Targeted Socio-Economic Research Fund (TSER).

Further information about this project can be found at: http://www.liv.ac.uk/~scooper/pip.html

Predicting the Impact of Policy in the UK

The UK has for the last year had a government whose stated commitment to equality issues is undoubted and whose efforts to date far surpass those of its predecessors. *New Labour* is a modernising government, whose attentions have turned within the first year of office to the enactment of a Freedom of Information Act, to the devolution of Scotland and the creation of a national assembly for Wales, to the enactment for the first time of a modern Bill of Rights and, as a longer term project, to the abolition of the system of hereditary peerage whereby seats in government's upper chamber (the House of Lords) are inherited along with titles, usually through a system of primogenitor (male) succession.

Less well publicised, but nonetheless important, have been initiatives to improve the way in which gender impacts are addressed within the policy-making process. The most significant of these initiatives are as follows:

- Mainstreaming
- Ministers for Women
- Cabinet Sub-Committee on Women
- The Women's Unit

These initiatives are outlined below, then a critical analysis is offered.

Mainstreaming

The United Kingdom makes use of the notion of 'mainstreaming' in its attempts to systematically scrutinise proposed laws and policies for gender impact. The present Labour Government has stated clearly that it has adopted the notion of mainstreaming into current administration as part of the commitments they made by the UK to the United Nation's Global Platform for Action in Beijing 1995:

> *'We in government will be taking forward a programme to ensure that every policy-maker in every office in every Government Department considers the effects their policies have on women - not as an afterthought, when it's probably too late to do anything about it anyway, but as an integral part of the policy-making process. What we call the 'mainstreaming' of women's issues.'*[1]

The Government has also made mainstreaming a key focus of its Presidency of the European Union, convening for the first time a Council of Ministers of Women. This meeting, held in Belfast on 5-6th May 1998, considered issues of women's employability and childcare issues and was attended by women's ministers from ten member states of the EU and delegations from the remaining five. These Ministers are now expected to publish an agreement to tackle barriers preventing women balancing work and family responsibilities, resulting in a communiqué to go forward to the Cardiff EU Heads of State conference at the end of Britain's presidency in June.[2]

References to the notion of 'mainstreaming' can be found in a variety of international instruments and policy documents. It has been used in many different contexts as a way of describing a co-ordinated approach to integrating women's interests into law- and policy-making. Essentially it refers to the idea that women's experiences or interests should be integrated into all policies and programmes rather than being dealt with by separate 'women's groups or projects' that are added on to the existing general programme of policies or activities. Responsibility for gender issues should not rest with a single work unit but rather such concerns should be integrated into the mainstream of law- and policy-making. The UNHCR's

Policy on Refugee Women (1990) refers to the need to include women in the decision-making process and to acknowledge how activities may impact on men and women differently. The Platform for Action adopted at the Beijing Conference (1995) also carries a number of references for the need to evaluate gender impact differences when developing policy and hence mainstreaming gender equality. For example, in specific areas it states 'Generate and disseminate gender disaggregated statistics for planning and evaluation' (Section 209) and more generally, it refers to using 'gender impact analysis in the development, monitoring and evaluation of all macro economic and social policies' (Section 167).[3]

The notion of mainstreaming also appeared in the European Commission's Third Action Programme on Equal Opportunities (1991-1995). There it was defined as the integration of equality into mainstream policy formulation and implementation'.[4] In 1995, the Commission set up a group of Commissioner's under the chairmanship of Commission President Jacques Santer to discuss equality issues on a regular basis. From these discussions emerged the European Commission communication on 'Incorporating equal opportunities for women and men into all Community policies and activities' in February 1996.[5] This document officially introduced the new policy approach of mainstreaming at the European level and made more explicit the mainstreaming strategy. It is defined as:

> ...*not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them: thus, development policies, the organisation of work, choices relating to transport or the fixing of school hours, etc. may have significant differential impacts on the situation of women and men which must therefore be duly taken into consideration in order to further promote equality between women and men.*[6]

Thus mainstreaming is not a new idea, either internationally or in the UK context, and is reflected in the policy-making machinery. An EU report describes how new structures have been put in place in the European Commission to ensure that equality of opportunity is systematically addressed in all policies and activities.[7] Twenty-nine Commission services are reported to have appointed officials with this specific responsibility.[8] McCrudden points out that equivalent mechanisms are either being considered or have already been adopted in other countries around the world.[9] Similar initiatives have existed in the Netherlands for some years. In Sweden, it is the responsibility of the Equality Affairs division of the Ministry of Health and Social Affairs to ensure that gender issues are considered in the formulation of legislation and policy. In Luxembourg, the Inter-Ministerial Council ensures that equal opportunities are considered. In Canada, mainstreaming has been adopted by the government and guidelines for its implementation are being developed. In New Zealand, guidelines for gender impact analyses have been published. However there is considerable divergence in both what is written on the subject and what is done in practice, as to what 'mainstreaming' means and what it entails.

Further confusion arises where the terms 'mainstreaming' and 'policy appraisal/gender impact evaluation' (and variations on these) are applied interchangeably, referring to the same process. Spencer states categorically that these terms are not interchangeable and that they refer to distinct actions. *'Policy appraisal/gender impact evaluation'* is more appropriately used to describe an analysis of the potential impact on women and men of a proposed policy or action, usually a check done at the end of the process of policy development to ensure that what is proposed does not adversely impact on one sex. *Mainstreaming* is about actively promoting equal opportunities. It means taking the issue of equality into account at the outset of policy development and throughout the processes of implementation, monitoring and review.[10]

Therefore, Spencer argues that mainstreaming can be more adequately defined in the following manner:

> *"Mainstreaming is about the integration of a gender dimension into policy development, implementation and appraisal. It is literally the process of integrating equality into the mainstream of policy work and service delivery".*[11]

Mainstreaming can include policy appraisal/gender impact evaluation but is more about integrating a gender dimension into the early stages of policy development, decisions and options and into the monitoring and review of the effect of decisions on women and men respectively.

Mainstreaming also involves the inclusion of women into the decision-making process (consultation and participation). Mainstreaming has to be more than just consulting women on what they want. Integrating gender in the national policy-making processes would seem to require a more comprehensive approach that demands changes to the way in which institutions and policy frameworks operate.

Recent initiatives on women's affairs in the UK cover both broad types of practice noted by Spencer, *gender impact assessment* measures and a more broadly defined concept of *mainstreaming*.

Developing gender-impact assessment mechanisms within the UK

The United Kingdom government issues Departmental guidelines on *Policy Appraisal for Equal Treatment* (PAET) or in Northern Ireland an equivalent known as *Policy Appraisal and Fair Treatment* (PAFT).

POLICY APPRAISAL AND EQUAL TREATMENT (PAET)

Responsibility for this area lies with the Department of Education and Employment (DfEE). Guidance on policy appraisal for different social groups was originally circulated in 1992 and revised in the form known as *Policy Appraisal for Equal Treatment* (PAET) in July 1996. Departments were required to tailor the guidelines to suit their own needs and conditions.[12] The new Women's Unit has now undertaken a review of these guidelines and is in the process of announcing a 'new, improved' version.

The current guidelines define 'policy appraisal' as follows:

> *Policy appraisal means that at every stage in the life of a policy or programme, the potential impact on different groups of the population is actively considered, and amendments are made where necessary. It applies to reviews of existing legislation, services or policies as well as to new developments.*[13]

Policy appraisal is seen as having three stages:

- identifying whether any groups may be disadvantaged. If the information is not readily available, monitoring systems and evaluation plans may need to be adapted or developed;
- considering whether differential impact is legally permissible and justifiable in policy terms, and can therefore be validated. Periodic reviews may be necessary to ensure that the validation still applies;
- proposing amendments. These may include 'positive action' within the limits of the law. Examples might include: amending the eligibility rules for a program; amending funding conditions; amending marketing literature or advertising to include non-stereotyped pictures and get more balanced take-up, and introducing special assistance for disadvantaged groups.[14]

While these may seem to offer far-reaching potential, it is acknowledged that the primary concern at this time was to ensure that the government complied with its legal obligations under EU law and the relevant international Treaties and Conventions to which it was signatory. More significant, in terms of the development of 'good practice' within the UK were the guidelines issued in Northern Ireland.

POLICY APPRAISAL AND FAIR TREATMENT (PAFT)

In 1990 a circular was issued giving advice to all Northern Ireland civil servants about the need to consider questions of direct and indirect discrimination in relation to religious affiliation, political opinion and gender. The guidance derived from the early stages of the UK-wide initiative but has rapidly achieved a higher profile than comparable developments in Departments in Great Britain.[15] A number of outside interests including statutory bodies with responsibilities for equality issues and the trade unions, criticised the guidance on the grounds that other areas where discrimination may occur were excluded, for example race, disability and age. The guidance was also criticised on the grounds that it did not convey a sufficiently positive approach to the issues, nor give sufficient advice to the departments about the need for affirmative action. In 1991 the guidelines were reviewed by the Central Community Relations Unit (CCRU) which is part of the Central Secretariat. The CCRU embarked on a programme of external consultation in drawing up the guidelines, formally inviting, the Standing Advisory Commission on Human Rights (SACHR), Fair Employment Commission, Equal Opportunities Commission (EOC), Disability Action and the Northern Ireland Committee of the Irish Congress of Trade Unions to comment on a draft of the guidelines. The Northern Ireland Office and the Northern Ireland Departments were also consulted on the text. The revised guidelines received endorsement by the Secretary of State and the Northern Ireland Ministers, before issued as Central Secretariat Circular 5/93 on 22nd December 1993. The *Policy Appraisal and Fair Treatment* guidelines (PAFT), as they were called, came into effect on 1st January 1994.[16]

The guidance changed its title from *Equal Opportunity Proofing* to PAFT to give a clearer description of what it is about. It was felt that the phrase 'equal opportunities' is often thought of as strictly a personnel issue. Similarly, 'proofing' was seen to imply that something needs to be done as a check at the end of a process of preparing policy options rather than ensuring that fair treatment is taken into consideration from the outset.

The PAFT initiative was seen as an important means of achieving the government's Beijing commitment to mainstreaming within Northern Ireland. The Government has stated its commitment to securing equality of opportunity and equity of treatment for all people in Northern Ireland through actively promoting fair treatment through Government policy-making and its implementation. The Government's stated objectives in relation to PAFT are:

- to promote a positive and proactive approach to providing equality of opportunity and equity of treatment;
- to ensure that there is no unlawful discrimination or unjustifiable inequality in any aspect of public administration;
- to incorporate a fair treatment dimension into all policy making and consideration of new provision for services;
- to take account of fair treatment aspects when reviewing existing policies and delivery of services;
- to monitor, as appropriate, the impact of Government policies.[17]

The aim of PAFT is to ensure that issues of equality inform policy making and action in all spheres and at all levels of Government activity, whether in regulatory and administrative functions or in the delivery of services to the public.[18] PAFT should be considered for all new policy proposals and services and whenever existing policies and services are reviewed. The Guidelines state:

> It is important to identify in good time any aspect of policy or service delivery which may in practice affect some people less favourably than others, so that consideration can be given as to whether such treatment would be unlawful, unjustifiable or undesirable and, where appropriate, the viability of alternative approaches can be assessed.[19]

PAFT is not confined to sex discrimination alone. The process has identified a number of areas where there is potential for discrimination or unequal treatment to occur: gender, age, ethnic group, religious belief or political opinion, married and unmarried people, people with or without dependants, people of differing sexual orientation. It is seen as an administrative process which compliments rather than substitutes for legislation. Thus, it is seen as one of a range of initiatives aimed at 'reducing unfair social and economic differentials and seeking to ensure that all sections of the community enjoy equal opportunities and fair treatment'.[20] The Guidelines state:

> The prevention of direct discrimination alone is not enough to promote equality of opportunity and fair treatment. This requires a more positive approach to take whatever measures may be necessary in practice in order to identify and remove any unjustified factors, which may result in unequal treatment.[21]

The PAFT guidelines are designed to not only help Departments build considerations of fair treatment into their preparation of policy proposals, including legislation, but to also offer advice on policy appraisal, monitoring and training. The *appraisal process* should explore whether new policies or services may impact differently on the groups identified. Careful consideration should be given to whether policies give rise to discrimination or a differential impact which has already been considered and justified. Legal advice should be sought before any affirmative action proposal is put into action. Policy and legislative proposals submitted to Ministers for their consideration should have a PAFT appraisal attached, setting out the conclusions of the appraisal and the recommendations made. Ultimately it is for ministers to decide what action to take.

Where there is lack of data to fully do an appraisal then the Central Secretariat may advise on *monitoring* in the light of data availability and resource considerations. Monitoring frameworks may include timetables and targets against which progress can be measured.

Training should be provided for those directly and indirectly involved in the policy-making process.[22] The CCRU developed 'good practice' model appraisals which it disseminated to Departments. The methodology relied heavily on statistical data for assessing positive or negative impacts. This led to the development of a guide to commonly available statistical data and other relevant information for appraisals which was also disseminated within departments. The CCRU also manages an on-going programme of research on equality issues which contributes in both quantitative and qualitative terms, to the knowledge base available for PAFT appraisals.[23]

Departments must take full responsibility for assessing the implications of their own policies in relation to PAFT and for giving concrete effect to the guidance within their own spheres of activity. CCRU monitors this process and promotes and co-ordinates the action. Each Department appoints an individual senior officer (lead officers) with direct responsibility for the progress of PAFT. The Guidelines state that departments should ensure that Non-Departmental Public Bodies and those performing contracted out services on their behalf, comply with PAFT.

In theory, the advantages of PAFT revolve around the fact that it allows government to put equality issues at the heart of policy making. PAFT contributes to the goal of establishing a more just and fair society and providing a good practice model for others to copy. It ideally renders the machinery of government decision making more open and more accountable and it allows disadvantaged social groups an opportunity to engage in debates about policies which affect them, and to have some recourse if policy decisions are taken which will exacerbate their disadvantage.[24]

OTHER ELEMENTS OF MAINSTREAMING

Ministers for Women

The new Labour Government appointed two Ministers for Women, Social Security Secretary of State Harriet Harman and Parliamentary Under Secretary of State Joan Ruddock.[25]

Responsibility for equal opportunities in employment has been given to Andrew Smith as Minister for Employment, Welfare to Work and Equal Opportunities.[26] In June 1997 the Government stated that women's issues were to be 'placed firmly at the centre of Government' and announced the following measures in order to do so:

- a powerful Cabinet Sub-Committee on Women comprised of Ministers from all major Departments and chaired by Harriet Harman;
- a new Women's Unit to promote women's issues across Whitehall.[27]

These initiatives were designed to develop an effective cross-departmental approach to women's issues and to meet the Government's policy goal of establishing a 'New Dialogue' with women. It is intended 'to open up the channels of communication; to pay full attention to the many voices and concerns of women; and to deliver on the promises ... [the Government] make to women'.[28]

The 'New Dialogue' strategy has three objectives:

- to estabiish more and better communications with women's organisations. Communicating with a wide range of women's interest groups - not just the big national bodies;
- to review the Women's National Commission (WNC) which is the body which traditionally channels the views of women's organisations to government;
- to set up new ways of reaching out to women who are not in organisations,[29] for example the use of experimental women-only juries from a cross-section of the population to look at key policy areas affecting women (see below).

It is the role of the Ministers for Women to co-ordinate these tasks. In a press release, Harriet Harman has stated that 'The Minister for Women has been given a powerful new role to co-ordinate and drive forward policies which will make a real difference to women's lives'.[30] Part of the role of the Ministers for Women will be to examine all economic and social papers going to Cabinet Sub-Committees to enable them to monitor the impact on women. The central aim of the Government is to establish co-ordination of initiatives for women and equal opportunities as opposed to the previous administration's perceived *ad hoc* initiatives in different departments.

The Ministers for Women will be able to consult with experts when preparing recommendations for amendments to policies. It is on this basis that in June 1997 Anna Coote, Deputy Director of the Institute of Public Policy Research, was appointed as a part-time Specialist Advisor to Harriet Harman in her role as Minister for Women.

Cabinet Sub-Committee on Women

The main role of Cabinet is to make the final determination of policy to be submitted to Parliament, that is ratify or disapprove decisions taken elsewhere, namely in Cabinet committees.[31] Until 1992, the structure, and even the existence, of Cabinet committees was regarded as a secret. Bradley and Ewing note that various reasons have been advanced for this: 'that the existence of the committees is not intended to affect the collective responsibility of the whole Cabinet; that public knowledge of the existence and composition of committees would give rise to inconvenient public criticism and lobbying; and so on'.[32] In 1992, in a move to demystify decision-making in Government, the details of 26 Cabinet committees and sub-committees were published by the Government. The information related the name, composition and terms of reference of the committees but not when they met. The existence of some committees has, however, been made known on occasion and much information on committees has been provided by unofficial sources. What can be said with more certainty is that most government issues and problems can not be solved by a single department acting alone and that Cabinet could not possibly keep abreast of its work had there not developed a system of permanent and temporary committees appointed for particular purposes.

The text, *Questions of Procedure for Ministers*, provides an account of the Cabinet Committee system and the rules governing Cabinet Ministers.[33] It states that Cabinet Committees have two purposes:

- to relieve the pressure on Cabinet itself by settling as much business as possible at lower level;
- to 'support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it'.[34]

Decisions reached by Cabinet committees are binding on all members of the Government though they are regularly announced and explained as the decision of the Minister concerned.

The Cabinet Sub-Committee on Women brings together Ministers from all the different Departments to discuss issues of concern to women, that is issues that cut across Government Departments. The Labour Government has indicated that the Cabinet Sub-Committee on Women will be the focal point of the Government's policy to incorporate women into decision making. It met for the first time on 28th July 1997 and is thought to be set to meet once every two months.[35]

Women's Unit

The Women's Unit was set up by the Labour Government within the Department of Social Security. It is designed to service the Ministers for Women, promote women's issues across Whitehall and co-ordinate the Government's 'mainstreaming' strategy.

Six 'priority areas' have recently been identified.[36] The priority policy areas are:

1. Childcare
2. Family-friendly employment
3. Violence against women

The following are also identified as 'areas for policy action':

4. Mainstreaming
5. Dialogue
6. Representation.

It is too early to assess the implications of this set of policy objectives or the success of the Ministers for Women or the Women's unit in pursuing this agenda. It can be noted though that the priorities include both specific policy areas and the process of government. Notable early initiatives in the first category include the launch on May 19th 1998 of a National Childcare Strategy[37] while in the latter category can be included a pilot project on the use of women's juries[38] and an initiative to improve gender statistics.[39]

COMMENT AND CRITICISM

Policy Action and Equal Treatment

Though existing guidelines are under review, a number of criticisms can be levelled at the existing models of gender impact assessment operating in the UK. Most commentary to date has focused on the better known PAFT process in Northern Ireland.

First it should be noted that reactions to PAFT in Northern Ireland have been circumspect because it is a process that largely takes place behind closed doors and the only indication of how well or how badly the process is working is through what is said in the Annual Report. The EOC (NI) in particular is guarded about the success of PAFT. This lack of openness raises central questions about the object and purpose of the mechanism.

Second, though PAFT and PAET ask whether government policies have adverse effects on target groups, it is not clear what those effects are.

Further, it is thought by some critics that decision-makers do not always apply PAET or PAFT as they should; they focus on the policy-making process and not the content of policies themselves.[40] Moreover from an analysis of the PAFT Annual Reports, it would appear that PAFT is implemented as a 'proofing' mechanism only, checking for discrimination in Government policy at the end of the policy-making process. This is contrary to its stated aim of 'mainstreaming' equality issues at all levels of policy development.

A number of commentators have raised criticisms about the status of the guidelines. Osborne, Gallagher, Cormack and Shortall[41] identified some substantial problems with the implementation of PAFT. They detected variations between departments in the implementation of PAFT, highlighting the fact that there is no detailed guidance for the undertaking of a PAFT review. In addition there was insufficient evidence to show whether Non-Departmental Public Bodies[42] were implementing the PAFT guidelines. These observations underline the fact that the position and status of the PAFT guidelines as soft laws is often ambiguous.

McCrudden also focuses on the status of the guidelines. Whilst admitting that there might appear to be some advantage in not establishing PAFT on a legal basis (such as the desirability of voluntary compliance, the avoidance of judicial involvement and the retention of Departmental discretion), he argues that these advantages have not materialised and therefore that the PAFT guidelines should be placed on a statutory footing. He suggests that this would bring four advantages:

- the permanence attributed to PAFT if placed on a statutory basis would provide evidence of the Government's commitment to mainstreaming equality;
- the requirements of PAFT would be made clearer;
- it would establish a firm basis for public participation in the PAFT and hence in the policy-making process;
- it would set in place enforcement mechanisms for PAFT recommendations.

In a far-reaching set of proposals McCrudden made the following substantive recommendations regarding PAFT:

- the range of issues to be addressed in a PAFT assessment should be identified and the process by which this takes place should also be identified;
- PAFT reports should meet prescribed content requirements;
- PAFT review should be a central determinant of the decision on the action/policy proposed;
- policies and actions should be monitored and the results of the monitoring should be compared to the PAFT predictions;[43]
- consultation and participation should be central to PAFT;
- there should be set training for PAFT implementation.

He also recommended some administrative changes:

- the Secretary of State be given responsibility to ensure guidelines are adopted;
- a body should be set up to help resolve conflicts that may arise;
- an external review of the PAFT process should be set up in order to establish accountability;
- an independent external review body be established for this task.

The then-Government's response to McCrudden's work (early 1997) indicated that the proposals amounted to a serious shift in emphasis from current equality initiatives to the reduction of material inequality. The present government seems more receptive to the proposals, though the outcome of a recent review undertaken in connection with the Peace Agreement are not yet known.[44] It is not clear to what extent if any the current government will move closer to McCrudden's view. Clearly many of the issues raised are pertinent to the PAET process too. Many challenges are thrown up to policy-makers and it remains to be seen whether they are addressed in the new PAET guidelines currently under development.

Other elements of mainstreaming

The other constituents of the Labour government's package for women are also open to criticism.

Ministers for Women

The creation of a Minister for Women (or two) is a new development yet little if anything is known about this position. The senior of the current holders is already a Senior Minister and thus in the Cabinet, but it is not clear whether any future Minister for Women would be.[45] No Ministry is attached to the post (in tune with the ethos of mainstreaming, perhaps) but this leaves the issue of the location of support and the lines of responsibility unclear.

Women's Unit

The Women's Unit has a somewhat vague remit, susceptible to change to meet the political circumstances of the government of the day. It lacks any *independence* in respect of its remit or objectives. On a day to day basis it is overcome by the volume of work associated with PAET, a process which is supposed to be carried out in *every* department but which is in practice very often referred back to the Women's Unit.

Cabinet Sub-Committee on Women

The Cabinet Sub-Committee on Women, potentially a powerful force in government due to its position in the heart of the policy-making machinery, operates under the blanket of secrecy which shrouds policy-making in the UK and which will be largely untouched by freedom of information legislation currently due to be introduced shortly. Much of its success or otherwise will flow from the strength of the Ministers for Women themselves; thus its influence is inherently likely to be variable over time.

It is early days to judge the efforts of the Labour government. But looking at the package as a whole there would seem to be as yet no clear view in government as to what mainstreaming entails or ought to entail in a UK context. Political commitment is evident and there have been some radical initiatives concerning the way we 'do' politics in the UK (e.g. women's juries, use of Internet). For the most part, though, the emphasis is still on gender-proofing and here practice may fall short of what is required to really make a difference.

CONCLUDING OBSERVATIONS

While the developments outlined above span both *gender impact assessment* measures and a more broadly defined concept of *mainstreaming* (see above) the principle focus of this research study is the former. As a preliminary observation, though, it can be said that *gender impact assessment* can only be fully effective if operating in the context of a broader *mainstreaming* package: the most sophisticated, timely, well-conducted gender impact studies will be to no avail if these initiatives, located in the realm of bureaucracy or *low* politics cannot be translated into *high politics*, that is, be acted on at every level of government.

To date *gender impact assessment* in the UK has been somewhat tentative and the broader *mainstreaming* element of the package is in its infancy.

As *gender impact assessment* mechanisms PAET and PAFT raise many questions: to paint a bleak view it could be said that they consist of weak guidelines applied in private by unknown and unaccountable civil servants. Little is known of the questions addressed in the process or of the information and/or research utilised in answering them. Yet processes such as this would seem to be part of any effective mainstreaming package.

Some broader issues have to be addressed as a prerequisite to the development of stronger and more effective guidelines or procedures.

1. The objectives of *gender impact assessment* must be clarified.

A bureaucratic process carried out within government is not a substitute for political action (high politics). Nor is it enough to replace bureaucrats with femocrats without also opening up the political process to widen access.

The objective of *gender impact assessment* must be to provide a sound research, information and analytical basis for policy-making. At the heart of this must be a better understanding of women's experiences.

2. *Gender impact assessment* mechanisms should be established on a secure footing, with bureaucratisation serving to insulate procedures from the vagaries of political whim. Some of the initiatives outlined above such as the use of women's juries seem inherently susceptible to the management of the party spin-doctors. However, care needs to be taken that *gender impact assessment* processes do not stagnate - the objective must be to incorporate state-of the-art understandings about gender and policy into policy-making through the commissioning of

up-to-date studies, through the review of existing policies and the monitoring of government policies and programmes.

3. Important questions regarding the location of *gender impact assessment* mechanisms need to be addressed.[46] Are these to be carried out within functional Ministries in relation to their own areas of operation, and if so, who will ensure that they are carried out properly? When is it appropriate for independent bodies to be appointed to carry out assessments?

4. How can the necessary element of consultation with groups outside government be ensured? Does good *gender impact assessment* entail new ways of 'doing politics'?

5. How can the support and participation of the academic and research community be ensured, so that diversity and freedom of thought can be preserved whilst good quality gendered research is fostered?

Finally, it should be recognised that many of the questions raised in the context of *gender impact assessment* are of broader significance for a government committed to modernisation of the state: the questions raised by the development of effective *gender impact assessment* procedures are nothing more than questions of good governance.

ENDNOTES

1 Joan Ruddock speaking at a Women's National Commission Forum on Women in Decision-making in Edinburgh on 22nd October 1997. This position was put forward to the Council of Europe's 4th Ministerial Conference on Equality between Women and Men - Istanbul (13-14th November 1997). Ministers for Women website: http://www.womens-unit.gov.uk/speech.htm.

2 The Government also aims to hold a meeting of the Directors-General for Equal Opportunities to discuss the new equal opportunities and anti-discrimination provisions of the Amsterdam Treaty and ensure that equal opportunities considerations are mainstreamed throughout the Education and Social Affairs Programme, for example by ensuring that family friendly employment policies are a key part of our Conference on Work Organisation and that equal opportunities issues are discussed by EU and Central and Eastern European Employment Ministers in Budapest.

3 Spencer, Frank. *Briefing on Mainstreaming*, p. 2

4 Spencer, Frank. *Briefing on Mainstreaming*, p. 1

5 Com (96) 67

6 Com (96) 67, p. 2

7 *Incorporating equal opportunities for men and women into all Community policies and activities* COM (98) 122

8 *Women of Europe Newsletter*, March-April 1998, no. 78. However, many services and policy-sectors remain untouched.

9 McCrudden, Christopher 1996. *Mainstreaming Fairness? A Discussion Paper on 'Policy Appraisal and Fair Treatment'*. Belfast: Committee on the Administration of Justice, pp. 1-2.

10 Spencer, Frank. *Briefing on Mainstreaming*, p. 1

11 Spencer, Frank. *Briefing on Mainstreaming*, p. 1

12 *PAFT Annual Report 1996*, p. 4

13 DfEE, *PAFT Guidelines*, August 1996, p. 1

14 DfEE, *PAFT Guidelines*, August 1996, pp. 2-3

15 *PAFT Guidelines*

16 *PAFT Annual Report* 1994, pp. 4-5

17 *PAFT Guidelines*, p. 3

18 *PAFT Annual Report* 1996, p. 3

19 *PAFT Guidelines*, p. 4

20 *PAFT Guidelines*, p. 1

21 *PAFT Guidelines*, p. 2

22 For further information on developments in training see the *PAFT Annual Report* 1996, page 7

23 *PAFT Annual Report* 1996, p. 8

24 Committee on the Administration of Justice, pp 6-7

25 In a 'reshuffle' in July 1998 the responsibilities were reallocated to Baroness Jay, Leader of the House of Lords, and Tessa Jowell MP. The future location of the Women's Unit is not yet known.

26 *Equal Opportunities Review*, vol. 74, July/August 1997, page?

27 Press release Department of Social Security, 97/080. 3rd June 1997. See website http://www.coi.gov.uk/coi/depts/GSS/coi9205c.ok

28 Joan Ruddock speaking at an IPPR Conference in London, 3rd July 1997. Taken from the Ministers for Women website: http://www.womens-unit.gov.uk/index.htm

29 Joan Ruddock speaking at an IPPR Conference in London, 3rd July 1997. Taken from the Ministers for Women website: http://www.womens-unit.gov.uk/index.htm

30 Press release Department of Social Security, 97/080, 3rd June 1997. website http://www.coi.gov.uk/coi/depts/GSS/coi9205c.ok

31 Brazier, Rodney 1994. *Constitutional Practice*. Second edition. Oxford: Clarendon Press.

32 Bradley, A.W. and K.D. Ewing 1997. *Constitutional and Administrative Law*. Twelfth Edition. London: Longman, page 293

33 *Questions of Procedure for Ministers*

34 *Questions of Procedure for Ministers*, paras 4-5

35 *Equal opportunities Review*, vol. 77, Jan/Feb 1998, page?

36 http://www.womens-unit.gov.uk/priority.htm

37 Government Green paper *Meeting the Childcare Challenge*. This sets out for consultation how the Government intends to make a reality its Manifesto commitment to develop a National Childcare Strategy.

38 "small groups of women, selected to give a cross-section of experience, who meet to deliberate upon a policy question. They are informed about the issue by taking evidence from witnesses and cross-examining them. Juries provide an opportunity for women whose voices are not normally heard to contribute to the democratic process." http://www.womens-unit.gov.uk/dialog.htm

39 A partnership has been formed between the Office for National Statistics and the Equal Opportunities Commission to carry out projects to improve the availability of gendered statistics.

40 Committee on the Administration of Justice, p. 7

41 Osborne, Robert, Anthony Gallagher, Robert Cormack with Sally Shortall 1996. 'The implementation of the Policy Appraisal and Fair Treatment guidelines in Northern Ireland', in Eithne McLaughlin and Padraic Quirk (eds), *Employment Equality in Northern Ireland Volume II: Policy Aspects of Employment Equality in Northern Ireland*. pp. 127-152

42 e.g. Executive Agencies responsible for delivery of a service (Passport Office) or quango.

43 This is different to the view of PAFT given in the guidelines which set out PAFT to be checking for discrimination only and not predicting anything!

44 c.f. the White Paper *Partnership for Equality* Cm 3980, March 1998, especially Chapter Four.

45 The membership of Cabinet, the ranking of Ministers and the existence of Ministries and division of portfolios is always subject to flux in the UK system of government.

46 See McBride Stetson, Dorothy and Mazur, Amy (eds.) *Comparative State Feminism*. SAGE 1995

FEMINIST NON-PARTICIPATION IN POLICY DEBATES

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ABSTRACT

The importance of "Megan's Law," a new approach in the criminal justice response to sex offenders, is assessed. The failure of anti-rape groups to engage in policy debate around these changes is discussed, with special attention to the effects of institutionalization of the anti-rape movement and the use of truth and experience. Though rape crisis centers have been effective advocates for victims of sexual abuse, their methods for articulating political grievances and concerns have been co-opted by groups to reinforce existing gender, racial, and class hierarchies. The silence of feminist and anti-rape groups around Megan's Law illustrates these dilemmas and points to the need to reevaluate the ways sexual abuse is discussed and confronted.

On June 29, 1994 in Hamilton Township, New Jersey, seven year old Megan Kanka went to the house of neighbor Jesse Timmendequas to see his new puppy. Unbeknownst to neighbors, Timmendequas was a convicted sex offender with a history of assaults against children. Timmendequas raped Kanka twice then strangled her to death with a belt. He was arrested shortly after the murder, confessed to the crime, and was subsequently convicted of charges including capital murder, aggravated sexual assault, and kidnapping.

In response to the rape and murder of Kanka the New Jersey State Legislature passed several bills which the country has come to know as "Megan's Law." These laws, including provisions mandating the registration of sex offenders and community notification of the presence of sex offenders, have inspired similar legislation throughout the country. Despite rhetoric about protecting victims, Megan's Law not only fails to address the problems of child sexual abuse (CSA) but actually compounds them by diverting social, political, and state attention, energy, and resources on violence committed by strangers outside the home, rather than on efforts which recognize and seek to prevent and address the abuse of children victimized by someone they know and trust.

The attention focused on CSA in this case seems to provide a rare opportunity for anti-rape advocates to articulate messages about sexual abuse to a broad audience. Instead of participating in the debate around Megan's Law as could be expected, however, feminist and anti-rape groups have been almost completely silent on the issue. Though some rape crisis centers (RCCs) do not perceive Megan's Law as a very important issue, others see the laws as much needed reforms which, in the words of one RCC director, are "long overdue."[1] RCCs do lack the staff resources and familiarity with policy matters which could make them more effective advocates. However, the answers to why RCCs have not seized this opportunity to educate the public about sexual abuse are more subtle and difficult to remedy than resources alone. They are inextricably linked with the ways in which anti-rape activists have framed the very terms of debates about sexual abuse.

The two aspects of Megan's Law two which have caused the most controversy and inspired the most imitation are the sex offender registration and community notification provisions.[2] Upon their release from prison sex offenders are required to provide local police with information including their physical description, place of employment, and home address. County prosecutors rate offenders according to their perceived dangerousness, based on information such as the number of previous convictions, type of offense, and age of the victim. The rating then determines the extent of notification, which can range from law enforcement officials only to the community at large.

The two provisions outlined here are based on several common assumptions about CSA: that children are at greatest risk for abuse by strangers; that repetitive and dangerous offenders are reliably identified through the criminal justice system; and that the extension of state power is an effective way to prevent sexual violence. Each is demonstrably false, and RCCs have worked for years to combat these public misperceptions. Their re-emergence, with the tacit if not explicit approval of anti-rape groups, heralds a troubling trend in confronting assault and abuse.

Studies routinely show that children are at the greatest risk for sexual and other forms of physical abuse from family members and acquaintances, rather than from strangers.[3] And, though stranger assaults on children may be more physically violent than those perpetrated by family and friends, family members and friends are still more likely to kill a child than is a stranger.[4] Furthermore, though children may be likely to identify acts committed by a stranger as sexual and inappropriate, these same actions may be more difficult to detect or easier to rationalize when they are committed by an individual whom the child knows and trusts. Despite the efforts of RCCs, children's reports of sexual abuse are still more likely to be disbelieved or treated as less serious when the perpetrator is someone known to the child, and perpetrators who abuse victims known to them are less likely to be identified by the criminal justice system as sex offenders.[5] Rectifying these misperceptions has been a central goal for most RCCs, yet Megan's Law undermines these efforts and reinforces the notion that it is indeed strangers from whom children have the most to fear.[6]

Megan's Law presents the extension of state power through offender registration and community notification as effective ways to control offenders. While anti-rape groups have long advocated for reforms such as training about sexual assault for police officers and judges, rape shield laws, and longer prison sentences for offenders, these same groups have also recognized that the causes of sexual violence are deeply rooted.[7] Misogyny, sexism, racism, and classism dehumanize individuals and make them more vulnerableCphysically and psychologicallyCto violence. Though many RCC workers indicate that education and prevention aimed at high-risk groups and juvenile sex offenders should be a primary focus, Megan's Law does not provide funds for education or child abuse prevention.[8] The reliance on state mechanisms to control "sexual predators" fails to ask what might be done in order to prevent rather than simply respond to these offenders.

Each of these critiques of a legalistic approach to eliminating sexual violence has been a staple of anti-rape rhetoric for years. In light of what appear to be fairly straightforward criticisms of Megan's Law based on facts most RCCs put out as standard fare, the silence of these groups on the subject of Megan's Law is puzzling and troubling.

Observers have noted the tensions RCCs must negotiate between maintaining a feminist outlook and operating with an efficient, social service approach.[9] The process of transforming grassroots, volunteer-based, sometimes confrontational networks into accredited, state-funded agencies has not been without compromises and conflicts, nor has it been wholly without benefits and improvements. Nevertheless, these transformations have produced some general trends which are important to note.

Insufficient funding often leads to inadequate staffing and the need to focus on maintaining only minimum direct services. Strictures on how funds may be spent are imposed both by the need to maintain non-profit status and by grant-making agencies. RCCs dependent on the good will of state agencies (police, courts, hospitals) for resources and access to victims are likely to work cooperatively with these groups rather than to challenge them directly.

As a result, RCCs tend to concentrate energies on providing direct services than education or public advocacy.[10] The need to comply with funding and direct service mandates and limits on the types of political engagement permitted by federal regulations have resulted in lower visibility for RCCs in New Jersey.

The withdrawal of anti-rape groups from the public eye has been accompanied by a sense of their growing frustration with political processes. One director of a RCC said that groups "speak up too much for the offender," and that not enough attention is paid to victim rights and concerns of sexual assault survivors. This same director, however, felt very strongly that the agency she headed should not be "political" because of a perceived conflict between the provision of services and political involvement. Other organizations also reported concern that they not appear too radical or adversarial lest they lose credibility and/or funding from the local agencies with whom they work. Many centers indicated that "something more" should be done on behalf of survivors, but seem to feel that local RCCs are neither appropriate nor adequate to fulfill that role.[11]

Some agencies which identify more openly and positively as feminist have been able to harness public attention to Megan's Law and use it to talk about the realities of CSA, especially the prevalence of non-stranger child abuse. This approach, however, is unusual. Though one RCC director acknowledges that "people don't want to hear that we can't pass a law and solve the problem," few RCCs took steps to clarify those problems for the public. Continuing problems in the criminal justice system have led them to see *any* attention to or involvement with the issues by media and legislators as beneficial.[12] Most center directors dismissed constitutional or civil liberties concerns with Megan's Law out of hand, and few offered thoughtful evaluations of the program.[13] One director admitted frankly that, "It's not something I've spent a lot of time thinking about." The failure of most anti-rape advocates to recognize Megan's Law as an opportunity to educate lawmakers and the public about CSA and channel concern into political action is illustrative of a general shift in the ways RCCs see themselves and their role.

One theme which has persisted throughout these changes is the key insight of second wave feminism that "the personal is political." Since the 1970s, feminists have argued persuasively that experiences designated as private and apolitical (such as sexuality) are in fact deeply influenced and shaped by politics. The slogan was used to encourage women to examine personal experiences in light of political analysis. The collective analyses produced as a result of sharing information, assessing perceptions, and questioning experiences formed the basis of political actions and social movements.[14] This idea has since been distorted so that the *political* has become *personal*. The increasing focus on individuals and personal experience in anti-rape work has created a climate in which narratives about sexual assault are more important than what we *do* with those stories.

As identity-based feminist politics has became more prevalent, radical, action-oriented groups have declined.[15] The idea that the personal is political has devolved into a conflation of political action with personal behavior,that the political is personal. Presenting and affirming the individual personal lives of women has replaced mass-based challenges to social and economic conditions. In RCCs the emphasis on direct services, especially therapy, tends to reinforce this individualized approach and obscures the importance of collective political discussion about sexual violence.[16]

The problem arises not when women assert their experiences, but rather the use of *individual* experiences or truths about rape as a basis for political representations of and responses to rape. Each victim is seen as having access, through experience, to a truth about sexual assault which can be translated unproblematically into action. Experience substitutes for political analysis, individual treatment replaces collective action.

The use of experience as "truth" has been effective in achieving social and legal change. The climate in the late 1990s is distinctly different for survivors of sexual assault thanks largely to women who stood up to tell their stories and demand recognition of the problems of sexual abuse. Part of the response to these successes of the anti-rape movement has been to co-opt the tools and methods of feminist and anti-rape groupsCpersonal narratives and claims to experienceCand use them to very different ends. The words of Megan Kanka's mother Maureen could have been spoken by any committed anti-rape activist:

> *"When I'm working with another state or working with a program like Stranger Alert like we're trying to start up here, that's the only time I feel alive. Every time I go [speak], I relive the whole story. I have no problems opening my heart and crying and being personal with strangers, as long as I can open somebody's eyes."*[17]

Feminist and anti-rape groups helped legitimize the use of personal narratives and experience as an effective political technique. Maureen Kanka presents a credible response to sexual abuse (and makes it difficult for anti-rape groups to counter it) because she speaks "as a victim" herself.[18] It is assumed by media, legislators, and even anti-rape advocates that the solutions she offers and the analysis she provides is somehow true or useful or accurate *because* she has suffered a devastating loss. In fact, the measures which Maureen Kanka has endorsed are not only not helpful to survivors but may in fact divert much-needed state attention and resources from programs which could combat CSA more effectively. The hesitation to confront the serious problems in Megan's Law is twofold: one, because many anti-rape groups have committed themselves to individual, therapeutic responses to rape, the ability to assess and engage in political opportunities and confrontations has atrophied; and two, certain types of attacks are not perceived as such when the method (personal narrative, sharing experience) is so familiar that the purposes to which it is put are unquestioned.

Given a climate in which women's stories of sexual violence are still being questioned and trivialized, women's actions and lives still being used to blame them for being victimized, the prospect of disagreeing with the interpretation and analysis a victim offers can seem almost tantamount to engaging in these practices of denial and attack. The instant credibility accorded to victims by feminists themselves makes it difficult to talk about how victims' stories can be used in politically problematic ways. The emotionally and politically charged atmosphere in New Jersey made it all but impossible to assess how these measures might actually work and what their long-term effects might be.[19]

To be clear, I want to separate out questioning the political analysis of experience from questioning the truth of the account itself. Though experience alone is not an adequate basis for a political movement, I believe that the analysis and deployment of experience is. Experience is a form of personal truth which no one can share with another.[20] It cannot become political, in Hannah Arendt's sense of the word, because it is not subject to inquiry, to questioning, to public contestation.[21] But the analysis which individuals and groups put forth about their experience must be subject to this contestation. While there would be no reason to question Maureen Kanka's commitment to the work she has undertaken since her daughter was murdered, we must question the solutions she proposes to address these problems. To do so is not to deny or diminish the truth of what happened to Megan Kanka, but rather to engage in public debate about how to respond to try and prevent it from ever happening again.

There are some ways to deal with sex offenders which do not undermine the work of anti-rape groups nor create new obstacles to addressing CSA. Many of the tools are already available and could be adapted to better control sexual offenders than the diversion of time, funds, and personnel to implement Megan's Law. Reforms such as include tightening plea bargaining and sentencing procedures, increasing the availability of treatment to convicted offenders, maintaining a limited civil commitment process for extreme cases, and targeting young male victims of CSA and juvenile sex offenders for prevention efforts are politically viable and could make a genuine contribution toward eliminating sexual abuse.

The more problematic issue is how anti-rape activists can deal effectively with public issues. Finding ways to permit RCCs to express political views without endangering their funding sources or credibility is of paramount importance.[22] This may take the form of more active statewide groups, and could also be fostered by building coalitions with other organizations to provide a cover for more controversial viewpoints and contribute much-needed skills and resources. Groups may need to reconsider the benefits of a more grassroots, volunteer-based approach to meet their needs and expand services, especially in the realm of political involvement.

Reconceptualizing how experience functions in political arguments is an on-going issue which must be confronted in order to deal with the mounting threats to feminist analyses of sexual violence. As the False Memory Syndrome Foundation and the right-wing victim's rights movements become more powerful, it is increasingly important that feminists and anti-rape groups be prepared to challenge and offer alternatives to the arguments being made on behalf of victims. Activists must confront the fact that legislation such as Megan's Law permits violence against women to be coopted as a political tool to reinforce existing racial, class, and gender hierarchies and be prepared to make arguments which are more broad and compelling than pitting individual stories against each other.

Advocates who work with children and women who are raped witness first-hand the hurt, the humiliation, the fear, the guilt, the anger of victims of assault and their families. Against this vivid and deeply painful backdrop measures which appear to provide even a modicum of protection may seem justified, no matter what the cost. However, it is precisely because of the pain, the fear, the anguish which sexual abuse causes that Megan's Law cannot simply be dismissed as a poorly crafted law or one which is expedient or innocuous. Activists must recognize these challenges for what they are: attempts to deny the reality and seriousness of violence committed by people we know. That the attacks come in a new and seemingly friendly form only heightens the need for a clear response.

ENDNOTES

1 I conducted a number of interviews with RCC directors and staff during the course of this project. In order to preserve anonymity I will not attribute quotations.

2 Megan's Law pertains to "predatory" sex offenses such as aggravated sexual assault, sexual assault, aggravated criminal sexual conduct, and child endangerment or the attempt to commit these crimes "if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior." (N.J.S.A. 2C:7-2)

3 About 95% of reported sexual assaults against victims under the age of 12 were committed by a family member, friend, or acquaintance (Langan and Harlow 1994). Studies by feminist researchers report similar results (Russell 1984). The literature on sexual assault and abuse is too voluminous to be reviewed here. I rely primarily on statistics from the Department of Justice, which deals only with reported assaults and thus tends to be more conservative (and less controversial) than other measures.

4 Greenfeld 1996. In addition, about 25% of parent-child sexual assault resulted in what the BJS defines as a "major injury"C"severe lacerations, fractures, internal injuries, or unconsciousness." (Greenfeld 1997)

5 Berliner 1985, Greenfeld 1997, Langan and Harlow 1994, Russell 1986

6 Some of the most physically brutal offenses are committed by strangers, and some stranger rapists do exhibit patterns of behavior which must make them a high priority in terms of apprehension and incapacitation. However, Megan's Law does not even address this aspect adequately, casting a wider net for sexual offenders instead of a better one.

7 Buchwald, Fletcher, and Roth 1993, Estrich 1987. As one executive director noted, "changing attitudes y [is] not something that can be legislated."

8 Sullivan 1994. Data from Washington State indicates that a significant percentage of convicted sex offenders affected by state registration and notification laws had *substantiated* histories of physical (25%) and/or sexual abuse (32%) as children (Schram and Milloy 1995).

9 Gornick, Burt, and Pittman 1985, Spalter-Roth and Schreiber 1995, Matthews 1995

10 Personal interviews

11 Personal interviews

12 Personal interviews.

13 Personal interviews

14 Evans 1979, Echols 1989

15 Echols 1989

16 Armstrong 1994

17 Newman 1996

18 Personal interviews

19 McLarin 1994

20 Arendt 1968, Flax 1992

21 Arendt 1968

22 Part of this requires RCCs to think about political activity more broadly than simply as lobbying legislators.

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A CROSS-NATIONAL ANALYSIS OF ECONOMIC GENDER EQUITY AND WELFARE STATE DEVELOPMENT

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ABSTRACT

Economic gender equity exists when women and men equitably share economic activity, both within and outside markets, and economic compensation, although they may combine labor market and domestic work differently and receive compensation from different sources. This analysis uses an Index of Economic Gender Equity to compare women's and men's relative economic well-being in eleven industrialized democracies. Equity increases when leftist and women's political representation is stronger and under conditions of higher labor demand and rising labor costs. Women's educational achievement does not influence women's relative economic standing, but the ratio of women's to men's levels of education does. Although each country's cultural environment flavors its gender relations, political, economic and social institutions can be effective in advancing the gender equity of economic relations.

Welfare state development theorists are interested in why and how governments take on responsibility for providing social welfare programs that bolster the economic security of particular groups of citizens — programs that redistribute economic resources from one set of citizens to another. They typically analyze policies such as unemployment compensation and old-age pensions that are designed to protect individuals with typical male work patterns. Theorists concerned with gender equity and women's economic security add a different focus. Do women benefit from these states' emancipatory programs in the same way that men do? Do welfare states acknowledge the economic vulnerabilities that stem from women's roles as caregivers and offer the same level of program generosity to women as to men?

This work explores these questions by examining a set of hypotheses about the circumstances under which state programs and policies strengthen women's economic autonomy. Governments are assumed to be a major determinant of gendered labor market outcomes, as well as of social policies that boost women's status. Even in countries such as the U.S. that advocate unregulated markets, the parameters of labor market activity and macroeconomic policy are set by the government. Thus, individuals' overall economic experiences are seen as the outcome of a set of government policies, whether the specific quality of those experiences is shaped deliberately in pursuit of clearly defined goals, such as equality or economic security, or emerges as a byproduct of other policy interests.

METHODOLOGY

This analysis focuses on economic relationships in eleven industrialized democracies. It begins by describing an Index of Economic Gender Equity ("Index") that measures the level of parity between women's and men's economic outcomes. Separate bivariate regressions examine the relationship between the Index and sixteen factors that may cause states to increase women's economic security. Hypotheses both from the general welfare state development literature and from literature specifically concerned with gender equality are explored.

INDEX OF ECONOMIC GENDER EQUITY

The Index of Economic Gender Equity was developed in the larger research project of which this paper is a part (Lovell 1998). It reflects Nelson's expansive definition of economics: "the study of how humans, in interaction with each other and the environment, provide for their own survival and health" (1993, 34). This definition includes economic activity both within and outside markets. Evaluation of the equity of the overall division of labor and compensation between women and men acknowledges the constraints placed on labor market activity by responsibility for the essential tasks of child-rearing and caring for members of the labor force. Government payments in the form of family benefits that compensate for this work of social reproduction are also considered, as is the equity of the overall income distribution.

The Index is a composite scale with five items:

1. the ratio of women's to men's labor force participation rates;
2. the ratio of women's to men's mean annual earnings;
3. the ratio of men's to women's unemployment rates;
4. the ratio of state payments to women for the work of social reproduction to mean male earnings; and
5. the ratio of the proportion of men to the proportion of women in the bottom quintile of the income distribution.

Scores on the five components are standardized and summed to produce each country's Index score.

The Index values were calculated for Australia, Belgium, Canada, Denmark, Finland, Germany, the Netherlands, Norway, Sweden, the U.K. and the U.S. Data are for the year closest to 1990 for which all necessary data are available and come from the Luxembourg Income Study, the U.S. Census Bureau's Current Population Reports and OECD publications (1995, 1996a).

These eleven countries fall into three groups on the basis of their Index scores (Table 1). The Scandinavian countries Sweden, Finland and Denmark show the highest levels of economic gender equity. Norway, Belgium, Canada, the U.S. and the U.K. form a group with moderate economic gender equity. Germany, Australia and the Netherlands follow, with the lowest economic gender equity.

Table 1
Index of Economic Gender Equity

	Country	Index score
Highest economic gender equity	Sweden	5.39
	Finland	4.10
	Denmark	2.51
Moderate economic gender equity	Norway	.20
	Belgium	-.16
	Canada	-.34
	U.S.	-.40
	U.K.	-.84
Lowest economic gender equity	Germany	-2.59
	Australia	-3.15
	Netherlands	-4.73

HYPOTHESES REGARDING DEVELOPMENT OF WELFARE PROGRAMS

General economic health

A country's level of economic affluence may determine its welfare policies simply by providing a surplus that can be distributed (Myles 1984). Economic growth may act separately to inspire social policies, if "an expanding economy allows the capitalist class greater flexibility in responding to working-class movements" (Brenner and Ramas 1984, 63). Whatever the specific mechanism connecting women's well-being and economic expansion, Galor and Weil conclude that "an increase in women's relative wages seems to be part of the process of economic development" (1996, 375).

Economic affluence is measured in real GDP per capita in purchasing power parity, which makes each country's GDP scale comparable to all the others in terms of the standard of living it provides to its citizens. Economic growth is represented by the mean percent change in real GDP per capita over the twenty-year period culminating with the Index score calculation.

Levels of economic development and rates of economic growth do not explain women's economic standing (Table 2). The three countries with the highest GDP per capita — the U.S., Canada and Norway — all fall in the moderate range of Index scores. Sweden, with the highest Index value, had the lowest GDP growth (1.38 percent), while Finland, with the second highest Index score, had the second highest growth rate (2.56 percent). Women's relative economic status does not increase as a natural consequence of economic expansion or development.

Table 2
General economic health and economic gender equity

	r	t1
GDP per capita	-.10	0.31
Change in GDP per capita	-.07	0.21

Sources: Real GDP: Penn World Tables (Huber et al. 1997); change in GDP: OECD 1982, 1996b.

1T-values are given in absolute values.

Social cohesiveness

It makes intuitive sense that cultural homogeneity might provide a stronger foundation for social welfare policies than a fractious mix of hostile or competitive ethnic populations. Koblik (1975) identifies Sweden's cultural homogeneity before WWII as an important factor in its welfare state development. Alva Myrdal called on Swedes to reflect their "vital sense of identification with the interests of others" in new pronatalist policies (1945, 102). However, Hero and Tolbert found that blacks in the U.S. have better educational and health outcomes in states with larger minority populations, perhaps because "in the heterogeneous environment, core values themselves are more open to debate because the stakes are more pronounced racially and ethnically" (1996, 868).

Measuring cultural homogeneity as the ratio of foreign to native population, this work finds no evidence that women benefit or suffer from any particular level of social homogeneity (Table 3).

Table 3
Social cohesiveness and economic gender equity

	r	t
Ratio of foreign to native population	-.43	1.43

Note: Data for Australia, Canada and the U.S. is foreign-born.

Source: SOPEMI 1997.

Threats to state security

Citizens may be able to demand economic benefits from the state if the state needs citizens' support for a high level of military preparedness, for either offensive or defensive postures (Andreski 1968), or to ward off internal threats such as economic depression (Adams 1982). Melman (1997) argues to the contrary, noting that large military complexes drain a country's economic assets, leaving inadequate resources for such social policies as day care and anti-poverty programs — programs that particularly benefit women.

States' military build-up as measured by the ratio of military expenditures to GDP does not affect Index scores (Table 4).

Table 4
Threats to state security and economic gender equity

	r	t
Military expenditures as percent of GDP	-.16	.48

Source: Stockholm International Peace Research Institute; International Institute for Peace and Conflict Resolution (Huber et al. 1997).

Political mobilization

The influence of working-class political parties on welfare state effort is one of the major hypotheses tested by welfare state analysis. Myles' (1984) examination of pension coverage finds a correlation between leftist rule and the amount of income replacement offered to retired workers. Esping-Andersen (1990) concludes that left-party power affects the distributional structures of social support, but not the level of support.

Left-party strength can be measured as the presence of left parties in government or by union power. Studies of union influence show that centralized wage-setting increases wage equality overall (Perrons 1995) and gender wage equality specifically (Blau and Kahn 1995), although union density does not improve women's labor market outcomes (Whitehouse 1992).

Women's political mobilization may have a separate effect and focus from leftist parties and unions. Walby (1990) contends that women were a significant factor in creating welfare state programs through organized political action, and Lovenduski (1990) attributes the Nordic policy emphasis on women's concerns in the 1970s to women's sophisticated political activism. However, Hernes (1984) argues that Swedish women have not won representation in the corporatist structures where real political power is wielded.

In this work, left-party political power is represented by a cumulative score, from 1946 to the Index year, of the percentage of all parliamentary seats held by government parties that are left-party seats. Wage-setting institutions are proxied by scores evaluating the degree of centralization and coordination of wage-bargaining structures and the sum of these two variables. Women's political strength is measured as the percent of lower-chamber or unicameral parliamentary seats held by women.

Left-party strength and women's share of parliamentary seats both have large and significant effects on countries' Index scores (Table 5). The measures of the centralization and coordination of wage-setting structures have no effect.

Table 5
Political mobilization and economic gender equity

	r	t
Left cabinet shares	.75**	3.03
Centralization	.18	0.53
Coordination	.06	0.17
Centralization and coordination	.11	0.34
Women's political representation	.68**	2.78

Note: Data unavailability excludes Canada and the U.S. from the left cabinet shares analysis.

Sources: Cabinet shares: Huber et al. 1997; wage-setting: OECD 1997; women representatives: United Nations 1994.

** p < .05

Labor demand

Women's economic standing may be affected by a country's overall labor demand. When demographic change or economic expansion creates a labor shortage, firms or states may recruit immigrant labor or enact policies to draw new groups of workers, such as mothers, into

Table 6
Labor demand and economic gender equity

	r	t
Unemployment rate	.58*	2.16
Rate of increase in total employment	.30	0.94
Labor cost	.58*	1.99
Foreign labor as percent of total labor force	-.27	0.80

Note: Australia is excluded from the labor cost analysis because of lack of data. Foreign labor data for Australia, Canada and the U.S. is foreign-born.

Sources: Unemployment rate: OECD Employment Outlook, various years; employment increase, labor cost: OECD 1982, 1996b; foreign labor: SOPEMI 1997.

* p < .10

the labor market. Rising labor costs may lead to policies that encourage women's labor force participation, if demand shifts away from native males to immigrant and female groups — groups more likely to accept low wages because of their weak economic and political position.

Labor demand, proxied by the standardized unemployment rate, has a strong effect on economic gender equity (Table 6), indicating that women are likely to benefit from tight labor markets. Rising labor costs also increase women's relative economic standing. The rate of increase in total employment and the presence of immigrant workers (measured as foreign labor's share of the labor force) have no effect.

Women's economic options

Increased educational achievement is often interpreted as a sign of greater gender equality, since it shows women's access to resources that may strengthen their autonomy. Higher levels of education may also introduce women to value-challenging concepts that encourage them to resist gender inequality (Galor and Weil 1996). However, Greenhalgh (1985) notes that women's educational efforts may be designed to strengthen their bargaining position in the market for marriage, which would not increase women's economic independence. Wolchik (1981) points out that high levels of educational specialization by sex may support occupational sex segregation, which depresses women's wages.

Low fertility rates can contribute to economic gender equity directly, by making women's labor force participation easier. Maternalist policies inspired by concern about declining population can also keep women in the labor force while they're tending new children, thereby increasing their earnings, or add family allowance transfers to their income.

Women's level of educational achievement itself, represented by the third-level enrollment ratio, is not associated with Index values, but the ratio of women's to men's enrollment ratios has a strong and significant effect (Table 7). Fertility has a large effect, but it is not statistically significant and it works in the opposite direction than anticipated: higher fertility is associated with greater economic gender equity. This shows changes in fertility since maternalist policies were implemented. For instance, Sweden's low birth rate provoked its original maternity leave program, but now, sixty-one years later, Sweden has a high fertility rate.

Table 7:
Women's economic options and economic gender equity

	r	t
Female enrollment ratio	.15	0.46
Ratio, female to male enrollment ratios	.59*	2.17
Fertility rate	.50	1.75

Sources: Enrollment data: UNESCO; fertility rate: United Nations.

* $p < .10$

Discussion and policy implications

This work seeks to uncover the most important factors in establishing overall economic outcomes that are in fact influenced by many disparate elements in a country's policy configuration. Macroeconomic objectives, labor market regulation, social policy concerns, norms about gender equality, and cultural acceptance of governmental intervention in markets and families all affect economic gender equity. Social policies that support maternity and anti-poverty programs have a large impact on women's economic status, but they may reflect different social goals and norms than policies working toward equality in the labor market.

Several salient points arise from this work. One is that centralized wage-setting institutions are not a factor in increasing economic gender equity, despite their clearly established role in achieving overall wage equality. However, other measures of political influence — left-party presence and women's political representation — are strongly associated with economic gender equity. Although a change in government can reverse the beneficial policy focus of leftist parties and women may be excluded from corporatist power structures, political representation is effective in advancing economic gender equity.

Women's educational achievement does not increase economic gender equity, but the ratio of women's to men's does. As with economic growth and development, women's relative status does not automatically rise with more education. It is the relative emphasis on women's and men's education that affects economic gender equity.

Although low fertility rates prompted many maternalist policies, current levels of fertility are not related to economic gender equity. Sweden may be an example of a successful pronatalist policy campaign: it has gone from having a "population crisis" in the inter-war period to having the highest fertility rate of this group of countries. Once instituted, family benefit programs are rarely abolished (Wennemo 1992), and Sweden's original concerns for maternity and children's standards of living may have been subsumed by widespread interest in equality. Ironically, Germany, with its strong emphasis on women's roles as mothers and homemakers, now has the lowest fertility rate of all the countries in this study.

Two measures of labor demand significantly influence economic gender equity: unemployment and labor cost. This suggests that women's economic status rises relative to men's when employers turn to new groups of workers either because unemployment is low or because other workers are increasingly expensive.

Analysis of economic gender equity presents a comprehensive view of the relative economic well-being of women and men, in terms of labor market outcomes and the effects of social policies. Equity is partially a consequence of cultural views; as Lane (1992) points out, states affect gender relations both with specific policies and by shaping the environment in which individuals are socialized to certain gender roles. Within these cultural environments, specific structures matter. Comparing economic gender equity across countries highlights the importance of political, economic and social institutions that can be effective in achieving a more equitable economic status for women.

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FUNDING WOMEN'S COMMUNITY NONPROFIT SOCIAL CHANGE ORGANIZATIONS[1]

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ABSTRACT

Women's organizations are needing to turn more and more to nongovernmental funding organizations, especially foundations, to provide funding to do their work. This paper presents preliminary research suggesting that some funders may be more willing to implicitly negotiate about grants criteria with groups applying for funding than has been previously recognized. At the same time, even feminist progressive funders set limits on this negotiation. The research aims to empower women's community social change groups in their relationships with funders, and to guide funders in their efforts to be responsive to this kind of grant-seeking organization.

While it continues to be important for women to press the state to alter the conditions of women's lives, the current decline in the role of the state requires women to turn more and more to alternative sources to support the work of creating change. Women's organizations today, for example, are seeking more and more of the resources they need to carry out their work from private and public foundations. I argue here that some funders, especially feminist and progressive ones, seem willing to implicitly negotiate with groups seeking funding—to adapt to what it is grantees want—more often than has been previously recognized by myself and other scholars. (Ostrander 1995) My argument contrasts with established theorizing in the study of social movements, which argues rather for the dominant power of funders to dictate the terms under which they will provide support (Jenkins 1995).

I report here some preliminary findings and implications from a new research project that looks at negotiation around funding. This paper focuses on one local funder, the Boston Women's Fund, and the women's community organizations who appealed to them for support in the past few years. This Fund is known to be particularly progressive in its grantmaking, plus it has multiplied fourfold the size of its grants to organizations in the past three years, from a typical grant of $2500 to the current $10,000. The Fund, therefore, exemplifies a funding organization that has both held to its progressive feminist politics, and managed to raise and give away increasing amounts of money.

Most importantly for the argument I am making here, the Fund appears to be adapting to what its grantees consider important by revising some of its guidelines for obtaining support—engaging, therefore, in some implicit negotiation with its grantees. As I will show, there are also limits to how far the Fund is willing to change in revising its guidelines. In establishing these limits to negotiation, and thus retaining it's own power to decide which groups obtain support and which do not, the Fund seems to exemplify a perhaps-inevitable contradiction in feminist and progressive philanthropy that is deserving of further exploration.

Activists, practitioners, and scholars alike recognize that obtaining funding—especially for organizations that engage in advocacy or organizing for change—is "one of the most vexing problems" that nonprofit organizations face. (Reinelt 1995:85) Yet outside of undocumented practitioner and activist knowledge, very little is known about how funding is actually obtained. Recent 1995 figures from the Washington-based Foundation Center suggest that women's organizations of all kinds still receive only six cents of every dollar of total foundation grants, and that there has been no improvement in this figure over the past twenty years. While no data exist on the portion of foundation monies that support women's social change groups specifically, research shows that less than one percent goes to social movement activity of any kind. (Jenkins 1989)

The long-term goals of my project are to contribute to empowering women's community social change organizations in their relationships with funders, and to aid funders in their efforts to be responsive to this kind of grantee.

Women's community social change organizations have not only been neglected by many funders. They have also been "overlooked and under-estimated" more generally as serious political actors. (Kaplan 1997:180) Their focus on local struggles has caused them to sometimes be "treated as peripheral to the real [political and economic] conflicts." (Kaplan 1997:187-8) A number of feminist scholars and researchers have sought to expand the common definition of political action to include local struggles that take place in the daily context of ordinary women's lives. (Bookman and Morgen 1998; Naples 1998; Kaplan 1997) Speaking to the import of the kind of community organizations that are my focus here, their research seeks to "link local struggles with with broader movements for social change" (Naples 1998:21); and "situate grassroots activism in the context of larger political and economic processes." (Bookman and Morgen 1988:2) Organizing at the grassroots provides a base of support for lobbying and advocacy at the level of the state, and local organizing provides a political foundation for feminist research.

AN INTRODUCTION TO A LOCAL WOMEN'S FUND

The Boston Women's Fund was established nearly fifteen years ago by a multi-race multi-class group of local feminist activists. It presently gives away just over $300,000 a year in grants up to $10,000 each to about twenty or thirty groups. The Fund supports, "women/girls organizations or projects that address social and economic justice." Its stated priority is "women and girls organizing on their own behalf," with organizing seen as distinct from advocacy, which is typically done on behalf of **others**. This point will become important later in this paper.

This local women's fund focuses on "women with the least access to resources, who have been excluded from full participation in society because of their race, class, age, ability, or sexual orientation." The Fund targets small organizations with budgets under $150,000, and with little access to large mainstream sources of funding.

A short description (drawn from grant proposals) of three women's community groups that received funding from this local fund in the last three years, and three groups that did not brings alive the kinds of activities and organizations this Fund supports.

An organization I will call Women's Training Project/Good Jobs for Immigrants asked for and received a grant to train ten immigrant women to "become part of a permanent trainer's network" for "identifying and responding effectively to workplace problems, including sexual and racial harassment,...and exposure to hazardous chemicals." Participants were "recruited" through "extensive [community] outreach," and these participants planned the training, choosing the "topics and skills they wanted to cover." Two other "justice funds" had already given $16,000 to this project, and the organization raised money from its own members and from events.

A ten-year old organization I will call Women Ending Poverty sought to "end poverty by bringing the voices of low income women into the debate." They obtained a grant to hire a half-time staff organizer and train five core leaders who would "organize and educate low-income women about issues including welfare and housing rights." The organization has over 5,000 members and was successful in mitigating at the state level some of the worst of the national welfare changes. Its board is composed entirely of low-income women from diverse racial backgrounds, and it has strong coalitions with other organizations. It raises money from several local and two national social justice funds, along with individual donations and a small amount from its membership.

A third organization I will call City Women Construction Workers aims "to significantly increase the retention, number and diversity of women entering and working in non-traditional blue-collar occupations." It obtained funding for it's speak-out project, aimed at educating the construction industry about how to create a more positive environment for women, and at educating boys and girls in vocational schools about the life of women construction workers. The board is made up of a racially-mix group of local tradeswomen, and sources of funding include a union local, a small grant from the Women's Bureau of the U.S. Department of Labor, and a small amount from membership dues.

Moms On Their Own stated its goals as "strengthening the mother/child family unit through support, information, and networking with other single mothers." This new organization "is designed to meet the needs of the growing number of single families." It was **denied** support from the Boston Women's Fund to publish a monthly newspaper, and to run seminars for mothers on how to raise healthy children. The six-person staff was composed of volunteer professionals, as was the board. It sought to raise money through advertising in its newspaper, corporate donations, and unspecified grants.

Teen Girls Sports Initiative had the stated aim of "offering a physical activity program for inner-city girls to promote self-esteem, goal-setting, and the value of commitment in hopes to lower teen pregnancy, substance abuse, drop-out, and violence." In its proposal, it cited research showing that girls who participated in sports were less likely to become involved in these behaviors. The six-person volunteer staff was made up of teachers and coaches from local schools and colleges, and three of the staff were also on the eight-person board. Funding sources included the charitable foundation of the city's major newspaper, several corporate donors, and the local community foundation. This organization did not receive support from the Boston Women's Fund.

Teaching Women about Breast Cancer sought support for "completion and distribution of a documentary that tells of one woman's successful fight against breast cancer." The organization had plans "to distribute the documentary free of charge to at least forty [city] area health agencies that serve low-income women..." While the organization had a "project director" who had produced the video and it was affiliated with a sponsoring organization, it did not have a board of its own. Over half its income came from individual donors, and went to pay the director. No support was granted from the Boston Women's Fund.

A FUNDER'S EFFORTS TO ADAPT TO COMMUNITY WOMEN'S CHANGING DEFINITIONS OF SOCIAL CHANGE WORK

From 1995 to 1998, the Boston Women's Fund turned away from a third to three-quarters of requests for support from local women's community groups. While the proportion of total grant requests that were denied did not vary in any patterned way during these years, an emerging pattern in the **reasons** for denial of grants led staff at the Fund to begin to adapt their grants criteria to take more account of the activities groups were asking for money to support.

The three main reasons given by the Fund's allocation committee for denial of grants during this time period were: (1) not sufficiently social change oriented, especially not being perceived by the Fund as doing community organizing; (2) not controlled by their constitutency; and (3) lacking clearly stated goals with explicit strategies and plans for reaching them.

The percentage of requests denied because they were perceived as not focused on organizing for social change more than doubled from 20% (5 of 26) in 1995, to 50% (11 of 21) in 1997 and 40% (12 of 30) in 1998. This increase led staff and volunteer members of the allocations committee to be concerned that priorities and criteria for funding were perhaps becoming too detached from what it was that these organizations were actually doing.

A possible explanation for more groups being denied funding is that the definition of organizing among women may be changing. Reflecting the Fund's effort to adjust to what groups applying for funding increasingly see as important aspects of community organizing, the Fund recently revised its guidelines, adding three previously unarticulated criteria: (1) building community; (2) developing leadership; and (3) educating for social justice.

The goal of building community among women and girls is consistent with current theory and practice of women's organizing. Creating connection and community is seen as a way to "sustain and nurture...political activism" (Naples 1988:15), and as a strategy for "teach[ing] others how to win their [own] collective rights." (Kaplan 1997:180) Closely related to building community is the building of leadership, and the teaching of leadership skills in community groups.

Educating about root causes and just solutions as part of organizing for social change is consistent with some relatively recent thinking about organizing as including "transformation of consciousness through empowerment." (Kennedy and Tilly 1990:302) This transformative model of organizing differs from the more-established—and perhaps less feminist—model which has more often been limited to "pos[ing] demands for immediate economic improvements in terms of distribution of the social wage, and demand[ing] democratic rights and liberties" in what has been called the redistributive model of community organizing (Delgado 1986:213).

LIMITS TO A FUNDER'S WILLINGNESS TO ADAPT TO WHAT MANY APPLICANTS FOR GRANTS SEEK FUNDING FOR

There are three important guidelines for receiving a grant that the Boston Women's Fund has been **unwilling** to negotiate. Here, the power of the funding organization to decide what will and will not be supported has been retained. While this kind of exercise of power may seem inconsistent with feminist and progressive principles, in what may seem a contradictory stance, it retains the priority this Fund places on making grants to organizations they see as feminist and progressive.

The three areas where the Boston Women's Fund has held firm are that groups must: (1) be constituency controlled; (2) have clear goals and well-defined strategies for reaching them; and (3) **not** have access to other major sources of funding.

Constituency control means that the women who are the target of the changes proposed by the organization are also in decision-making positions. In a group that is **not** constituency controlled, others make the decisions about what kinds of programs or activities they think would most benefit and improve the circumstances of women who belong to the target group. Often those who make these decisions are professionals, like health workers or social workers or counselors, who work with women they define as clients or patients. Community groups who are working with a constituency of young women or girls, and where only older adult women are deciding on programs, goals, and strategies, are also a common example of a group that would likely be turned down for a grant for this reason.

From 1995 to 1998, of grants denied, the percentage denied because they were seen by the Fund as not constituency-controlled climbed from 12% (3 of 26) to over 30% (10 of 30). This rate of denial of grants may reflect the difficulty women's community organizations have in reaching this goal; or it may mean that they see it as less important than does this funder.

Denial of a grant because of a perceived lack of clear and explicit goals and strategies increased from less than five percent in fall '95 (1 of 26), to over half in spring '97 (5 of 9). By fall 1997, this reason for denial of a grant leveled off to 30% (7 of 21), and dropped to only 13% in spring 1999 (4 in 30). During the rise, there was some concern at the Boston Women's Fund about favoring more formally organized and established groups capable of writing more professional-looking proposals with explicit objectives, *time-lines, methodologies*, etc. If this kind of funding bias were found to be true, it could undermine the Fund's priority of targeting women with least access to resources and organizations with little access to mainstream sources of support.

Related to this issue, some social movement researchers have argued that when social change organizations decide to seek outside funding, they must typically become formally incorporated as nonprofit organizations. This means by going through a legal process with the Internal Revenue Service to obtain tax-exempt status as (501)(c)(3) organizations. These scholars have suggested that nonprofit incorporation professionalizes these organizations, thus moderating their political action. (Oliver and Marwell 1992:259)

Using this idea, I looked at how many community organizations who recently asked for support from the Boston Women's Fund had already obtained their own independent tax-exempt status at the time of application. I compared that to the number of organizations who had instead obtained sponsorship from some other tax-exempt organization who had agreed to serve for them as a funding conduit. Those organizations with their own tax-exempt status seem likely to be more formally constituted, while those with an organizational sponsor may be more informal.

My data show that over the past four grant cycles, from fall 1996 to spring 1998, about a third of the applicants to the Boston Women's Fund have been—according to this measure—more informally constituted. Using this measure, there is no evidence that more informal groups are becoming less likely to submit grant proposals. More importantly, the data show that informally constituted groups were just as likely as more formally constituted ones to actually receive a grant from 1996 to 1998.[2]

While admittedly preliminary, this evidence suggests that holding firm to a requirement that women's community organizations must demonstrate clear goals and strategies in order to receive a grant does **not** impose a requirement that these organizations be formally constituted, at least in terms of having their own independent tax-exempt status. This seems especially important to a feminist funder, since feminist organizations have often shown a preference for less organizational formality. (Ferree and Martin 1995)

Finally, the Boston Women's Fund also holds firm to its commitment to providing support to small organizations with little access to more mainstream funding, in spite of the fact that more and more larger organizations with mainstream support have recently increased their rate of application for grant support. From 1995 to 1997, an average of about just under half of organizations denied a grant were denied for this reason. In 1998, this rose to two-thirds. This increase occurred after the Fund raised its maximum grant size from $5000 to $10,000. This appeared to have the unintended effect of encouraging larger and more established organizations to apply, and to be turned down, for funding. Here, again, this progressive feminist funder made the judgement about which groups it would support and which it would not, retaining its commitment to supporting community-based women's social change groups which have the hardest time finding support elsewhere.

HOW WOMEN'S COMMUNITY ORGANIZATIONS APPEAL TO FUNDERS, AND WHAT THEIR FUNDING OPTIONS LOOK LIKE TO THEM

As an initial effort to gather information from the perspective of groups applying for a grant, I conducted a preliminary mail survey just after the spring 1998 grant cycle at the Fund. I obtained results from 20 of the 39 groups who received a grant from the Fund since fall 1996.

These organizations typically listed multiple sources of financial support. While this is considered an indication of fiscal stability in the nonprofit world, the amount of time and energy that it takes to deal with what one researcher has called a "bewildering array of money sources" as a condition of keeping an organization alive is considerable. (Gronbjerg 1993:22) Nearly two-thirds (13) of the 20 groups I surveyed listed over five distinctly different funding sources. The other third (7) listed three or four sources.

Most often mentioned as sources of funding were individual donors and local Boston foundations (18 mentions each). These were also the sources most often ranked as providing from twenty percent to fifty percent of funding to the organization. Next most often mentioned as a source of funding was the local women's fund (12 mentions). The portion of funding from that source was typically and predictably small, namely less than five percent. This reflects the fact that until recently Boston Women's Fund grants were only in the $5000 range.

Indicating the struggle these groups have to obtain the support they need to keep going, a third of them (7) felt confident about only two sources of funds. Half(10) of the twenty organizations said they felt confident about three or four of their funding sources.

The organizations surveyed felt even less confident about a range of fundraising methods than they did about funding sources. No single method of raising money was seen as particularly reliable, meaning than multiple methods—like multiple sources—had to constantly be in place as a condition of organizational survival. About half of the groups surveyed (9) said they could count on fewer that two methods of raising money as being usually successful.

Of various fundraising methods, just over half the groups (12) listed grant proposals as almost always or usually bringing in money. Since the names of organizations surveyed were obtained from lists of grantees of the Boston Women's Fund, these organizations may be more likely to apply for and receive grants than other local community organizations. Less than half of groups surveyed saw special events (9) and major donor visits (8) as almost always or usually successful in raising money. Less than a third (6) said that direct mail was almost always or usually successful. Other methods seen by a small number of groups as almost always or usually successful were selling products (e.g. t-shirts), mentioned by three of the twenty groups, and canvassing and phone-a-thons, each mentioned by one group.

When asked on what basis they made their judgements about how to present themselves to a funder, three fourths of groups (15 of 20) said a funder's written guidelines were most important. Suggesting either an absence of any personal contact between grantees and funders, or a less than useful relationship when it did occur, less than a third of the organizations (6 of 20) mentioned a conversation with a staff or board member as being important to knowing how to present themselves. Suggesting an absence of shared knowledge between and among grantees, only two of the twenty groups said that knowing about other organizations who had either received funding or been denied a grant was useful in knowing how to present themselves to funders.

Grantee groups' answers to the question of what one change they would make in their own organizations suggest, again, the high level of time commitment that going after money requires. About half (9) said they would like to hire a staff member solely to write grants. Their suggestions to funders about what changes they might make so that getting money from them was easier also reflect this concern. They wanted multi-year grants, more flexible criteria, more clarity about what funders did and did not fund, and face-to-face meetings with staff of funding organizations.

The groups surveyed typically listed several areas of activity in which their organizations were engaged. All of them said that advocacy for social change is part of what they do. Half (10) said this was the most important aspect of their work. Nearly all (17) also said that grassroots organizing for social change is also part of what they do. As with advocacy, half (10) said that organizing is most important to their work as an organization.

About three-quarters (16) said that social service delivery is part of their activity, with one of the smallest numbers—a third of the total (7)—saying this is the most important to what they do. About the same number of groups—three-quarters (15) —said that self-empowerment/self-help activities are also part of their work. Ten of the twenty groups said that self-empowerment/self-help is most important to what they do. Advocacy for individuals was mentioned by about the same number of groups as self-empowerment/self help (13), with a smallest number (6) saying individual advocacy was the most important.

In characterizing their work and the aspects of it they saw as most important, the answers the organizations gave suggest overlapping activities. The lines between, for example, advocacy and service delivery, and grassroots organizing and self help may seem blurred. This may make it difficult for organizations seeking monies to define what they do to potential funders, and it makes it difficult for funders like the Boston Women's Fund to aim their grantmaking at particular areas of activity.

The median number of kinds of activites listed by the groups was between four and five. The median number of kinds of activities categorized as most important was between two and three. A fifth of them (4) checked off four or five areas as most important. Only about a third (7) checked just one area as most important.

These data suggest to me that these organizations are overly stretched in what they are trying to do. Why might they find it necessary to do so much, especially when they are such small organizations? The need to appeal to multiple funders and use multiple methods of raising funds could be one reason.

Perhaps most telling of the kind of struggle the women's community social change organizations studied face is the discrepancy between what they do as organizations and what they feel they must emphasize most with funders. Only for the more traditional social service activities was there an almost perfect match between what the organizations judged most important to their own work and what they found it wise to emphasize most often with funders. (Each had 7 mentions.) While all twenty of these organizations targeted women and girls, just over a quarter of them (6) saw this as an attribute to emphasize in their appeals to funders. Of the ten organizations claiming grassroots organizing for change and/or advocacy for social change as their most important work, only about half of these (6 and 4, respectively) emphasized these activities with funders.

These data are consistent with other research that shows that finding support for any kind of activity targeted at women and girls, and finding support for organizing and advocacy in particular—the main activity of the organizations studied—are both especially challenging. These data also suggest what other researchers have found, that, "Resisting the depoliticizing effects of increased funding has been an on-going political struggle" for women's nonprofit social change organizations. (Reinelt 1995: 86) The ability of these organizations to negotiate this political terrain with funders, and the willingness of at least some funders—like the local women's fund I have described here—to **engage** in this negotiation may be one important factor influencing which organizations will be able to sustain their work and which will not.

While more autonomy and less dependence on outside sources for the support necessary for women's social change organizations to do their work would certainly be desirable, the pragmatics of funding mean that skillfully playing the politics of getting money is just as important as skillfully playing the politics of social change for women and girls that these organizations do as their reason for existence. Especially today, sources of money are much more likely to be individual donors and public or private foundations, and far less likely to be government, so women's organizations are having to learn a new funding game. In this context, the now 70 women's funds around the United States and elsewhere may be positioning themselves to play a critical role.

There is at least one positive feature of local women's organizations being required as a condition of their survival to look for and obtain funding in their own communities, especially from individual donors and from local funders—including local women's funds—as the organizations in my small survey do. This activity of raising money necessary to do the work may also be an opportunity for them to "build acceptance and support for their work," and to maintain their connection to the local community and be responsive to what that community wants and needs. (Reinelt 1995:93)

ENDNOTES

[1] This paper was presented at the bi-annual conference of the Institute for Women's Policy Research, Washington, D.C., co-sponsored with the Women's Studies Program at George Washington University, June 1998. The author thanks the Boston Women's Fund for their permission to conduct this research.

[2] This conclusion is based on a Chi-square statistic. It was calculated by comparing the total number (108) of organizations funded during this period with the number who had their own independent tax-exempt status (36), the number not funded who had their own tax-exempt status (48), the number who were funded who were sponsored by other tax-exempt organizations (14), and the number not funded who were sponsored by other organizations (10). A Chi-square calculation compares the actual or "observed" frequencies in each category with the frequency that would be expected if there was no relationship between funding and tax-exempt status—in other words, if the numbers occurred by "chance" and status had no relationship to funding, which was the result in this case.

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GENDER QUOTAS AND WOMEN'S REPRESENTATION: INTERNATIONAL PERSPECTIVES

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INTRODUCTION

In the political arena, women are one of the most underrepresented groups in the world. Women comprise more than 50% of the world's population, but hold a global average of only 12% of the seats in national legislatures (Inter-Parliamentary Union 1997). Low levels of officeholding affect women's representation in two ways. First, the fewer women in office, the lower the degree to which women's interests are addressed and met by changes in legislation (Darcy, Welch and Clark 1994, 181-4). Second, women's representation in national legislatures is an important Asymbolic indicator of political equality (Norris 1993, 310). Lack of gender parity violates the belief that legislative bodies in democratic systems should mirror the constituencies they represent.

Institutional mechanisms, particularly *gender quotas*, appear to offer the most direct way to cut through the psychological, social and cultural factors that mitigate against women getting elected to public office (Jones 1996; Lovenduski and Norris 1996; Jaquette 1997). In the political arena, gender quotas applied to leadership positions within political parties and to lists of candidates for political office have generated significant and relatively rapid increases in the number of women elected to office (Jones 1996, 1998; Caul 1997, 1998; Kolinsky 1991, 1993). Gender quotas were first adopted by progressive political parties in the Scandinavian countries during the 1970s (Caul 1998). The fact that these countries have enjoyed the highest levels of women's representation in the world has been attributed to quotas. Quotas have proliferated since then; as of 1995, eighty-four political parties in 36 countries had adopted party-level gender quotas (IPU 1995, cited in Caul 1998). Gender quotas are a high priority item for women's organizations around the world and are currently on the legislative agendas in many countries, especially in Latin America (Erazo 1996; Montano 1996; Obando 1997; Pires 1997, Ramirez 1995, Rodriguez 1997, Vega 1996).

While the adoption of quotas within individual parties represents an important advance, the adoption of *national quota laws* represents a more significant level of commitment to improving women's representation. Quota laws, as opposed to voluntary quotas for individual parties, apply to all political parties within a given country, and can be enforced by the bureaucracy or the judiciary (Jones 1998).[1] Twelve countries have enacted such laws—Argentina, Belgium, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, India (for municipal elections), Mexico, Panama, Paraguay and Peru, all of them during the 1990s. Surprisingly, 10 of these 12 countries are in Latin America. Four other countries reserve a certain percentage of legislative seats for women, including Bangladesh, Taiwan, Tanzania and Uganda (Chou and Clark 1990, 1994; Goetz 1997). Argentina provides the shining example of the potential impact of quotas. Prior to the 1991 adoption of the ALey de Cupos, which requires 30% of all congressional candidates to be women, women held an average of 4% of seats in the House of Deputies (between 1983 and 1990). After the quota law was adopted, women won 21% of congressional seats in 1993, 28% in 1995 and 28% in 1997 (Jones 1996; personal communication).

Efforts to implement quotas, sometimes referred to as positive discrimination measures, have been extremely controversial. Generalizing about party quotas in Europe, Lovenduski and Norris (1993) observe that Athe more important the office or position in question, the more opposition the policy meets, and parties are particularly reluctant to introduce positive discrimination into their candidate selection procedures (10). More to the point, Aseats in the legislature are the political prize toward which much of party politics is directed, hence access to them is usually carefully guarded (Ibid., 12). The controversial nature of quotas begs close examination of the conditions under which they do and do not succeed.

Why do gender quota laws get implemented? The widespread and relatively recent adoption of gender quotas is puzzling and would appear to contradict one of the most widely held assumptions within political science: that political survival is the primary motivation of legislators (Mayhew 1974; Fenno 1978). This assumption maintains that politicians' behavior is motivated by electoral incentives; even those politicians whose primary aim is to make an impact on policy cannot achieve their goals unless they remain in office. Given this assumption, why would politicians support policies that increase competition among those seeking political office? Stated differently, why would male legislators in traditionally patriarchal, non-egalitarian countries support gender quotas, which limit the number of spots available to male candidates on electoral lists? As one Uruguayan legislator observed, AWe are talking about ceding positions of power to women, and no one likes to give up power (Gobbi 1997).

This paper examines three sets of competing hypotheses that explain the adoption of national-level gender quota laws as a function of (1) institutional design, (2) popular mobilization, and (3) voting behavior. Each of these approaches offers a different rationale for the adoption of quota laws. The institutional model posits that various features in the design of political institutions reduce the electoral threat that gender quotas pose to individual legislators. The mobilization model predicts that gender quota laws will be adopted as the result of popular pressure in their favor, particularly on behalf of women's organizations. Finally, the voting behavior model predicts that quota laws will be adopted when legislators perceive them as a way to close the gap between male and female voters.

This paper argues that the adoption of quota laws is best explained by a combination of popular mobilization and voting behavior: the ability of women's organizations to exploit the gender gap in voting behavior is critical to getting legislators to adopt gender quotas. I find little evidence that institutional factors explain the adoption of gender quota laws at the national level. The countries that have adopted quota laws exhibit wide variation in terms of the institutional features most relevant to this policy; they vary in terms of the power of the legislature versus the executive, party control over candidate nominations and electoral system. The key to adopting quotas lies in the ability of women activists to pressure legislators to pass quota legislation, and to demonstrate the support of the female electorate for electing women to office. Where quota supporters are seen to represent the will of the female electorate, which often constitutes a majority of voters, legislators will most likely support quota laws. Below I explain each of these approaches fully and examine their validity.

EXPLANATION ONE: INSTITUTIONAL DESIGN

This approach begins with the assumption that institutions matter to policy outcomes. Institutions are the sets of rules, both formal and informal, that Astructure social interactions in particular ways (Knight 1992). Political institutions include constitutions, laws and electoral systems. The way in which political institutions are designed shapes the range of possibilities from which political actors can select in a given situation. Stated differently, politicians' preferences can be understood only in the context of the institutionally generated incentives and institutionally available options that structure choice' (Grofman 1989, 1, quoted in Shugart and Carey 1992, 14). From this perspective, institutional arrangements mediate the impact of social, economic or cultural variables.

Applying this approach to gender quotas, I hypothesize that gender quotas will be adopted in countries characterized by certain institutional arrangements, and not in others. From the literature on women's representation, it is possible to identify three aspects of institutional design that are relevant to the issue of gender quotas:

1. *Legislative Strength*, the power of the legislature relative to the executive branch;
2. *Candidate Recruitment*, the process by which candidates for office are selected; and
3. *Electoral Rules*, the formula by which votes translate into legislative seats.

Below I discuss each of these variables and derive from them a series of testable hypotheses.

1. Legislative Strength

One institutional explanation for the adoption of gender quota laws posits such laws are more easily adopted in countries with weak legislatures. If the legislature has little power in comparison to the executive branch, then holding office in Congress should matter less to policy outcomes and competition for legislative seats should be less intense. We should then expect that quota laws will be adopted in countries in which the legislature is relatively weak in comparison to the executive branch.

To test this hypothesis, I compared those countries that have adopted quota laws against Shugart and Carey's (1991) typology of the power of the executive in presidential democracies. This typology compares presidential democracies in terms of the president's powers (1) to shape legislation and (2) to control the cabinet.[2] In this paper I focus only on legislative powers. Based on this assessment, the most powerful presidential regimes receive a measure of 24; the weakest receive a rating of zero (Chapter 8). Flipping the logic of Shugart and Carey's analysis on its head, I assume that presidential power equals the inverse of legislative power. In other words, where presidents are strong, legislatures are weak. If the hypothesis stated above is true, we should expect to see a correlation between those countries with quota laws and those countries in which the president has the strongest legislative powers.

Figure 1 compares the legislative strength of those countries that have adopted quota laws with those that have not. From this chart it is clear that legislative strength varies just about equally in quota countries and non-quota countries. No correlation exists between the adoption of quotas and the strength of the legislature.

2. Candidate Recruitment

Gender quotas affect the procedures by which candidates are recruited and nominated for office. Lovenduski and Norris differentiate recruitment procedures along two dimensions: centralization and institutionalization. Centralization refers to the level at which decisions about candidates are made. In highly centralized systems, national party leaders control the process, and have the power to promote women (Norris and Lovenduski 1993; 1995). In centralized systems, party leaders can also be held accountable for their failure or success in nominating women (Caul 1997). Institutionalization refers to the rules governing candidate recruitment. The more institutionalized the system, the more formal, standardized and knowable are the rules for advancement. In less institutionalized systems, candidates' progress depends on their own personal connections inside and outside the party (Caul 1997).

Norris and Lovenduski (1995, 198-205) argue that quota laws are most effective in systems characterized by a high degree of institutionalization and low degree of centralization. In other words, quotas are most likely to be implemented where the rules for candidate selection are formally established, and decisions about candidates are made at the local constituency level. On the basis of these claims, I hypothesize that gender quotas are more likely to be implemented in countries characterized by highly *institutionalized* party systems, where political parties exercise the greatest control over candidate recruitment. Quotas are less likely to be adopted where personal reputation plays a more important role in candidate nominations.

To test this claim, I rely on Carey and Shugart's study of candidate electoral strategy (1994). This study examines whether politicians in different political systems are better served by cultivating a personal vote or relying on the reputation of their political party, and finds that it makes more sense for politicians to develop a loyal following among their constituents in some systems than others. Specifically, Carey and Shugart's typology measures the incentive to cultivate a personal vote in terms of three variables: (1) control of party leaders over

Figure 1. Legislative Strength and Quota Law Adoption

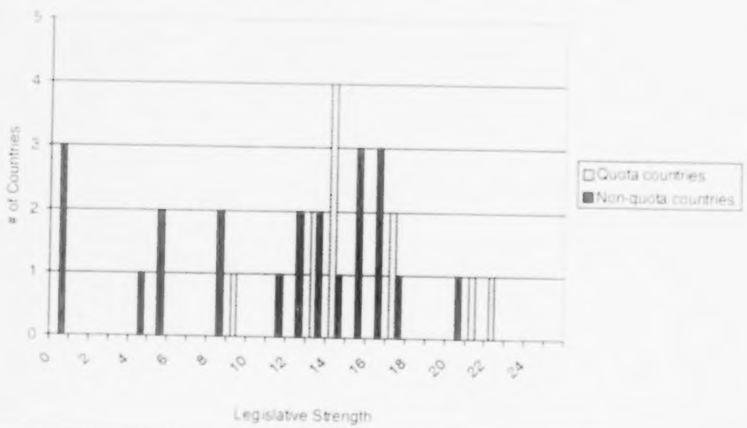
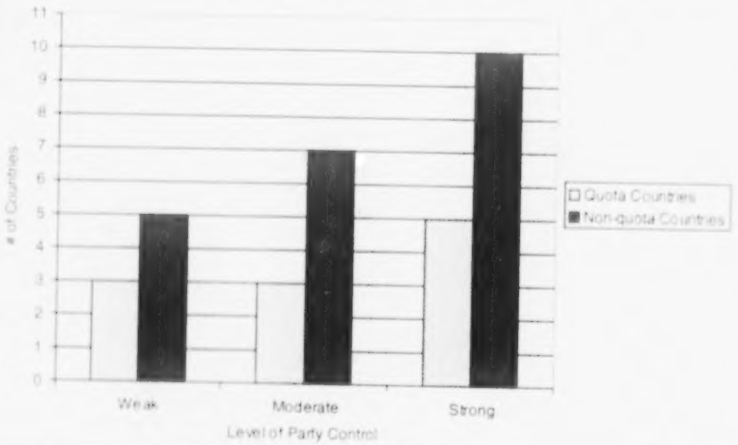


Figure 2. Party Control over Ballot



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nominations; (2) the process by which votes are distributed among candidates; and (3) the type of votes cast. On the basis of the claims above, I predict that legislators will be more likely to support quota legislation in systems where they have a lower incentive to cultivate a personal vote.

Figure 2 compares the incentive to cultivate personal votes in quota countries versus non-quota countries. It is clear from this chart that no correlation exists between the adoption of quotas and the candidate recruitment process. The party's control over candidate recruitment tells us little about the likelihood of quota laws being adopted.

3. Electoral Rules

Do the countries in which quota laws have been adopted share similar electoral laws? At the most basic level, yes. Quota laws for political candidates can only be implemented in parliamentary representation (PR) systems, in which parties or coalitions present lists of candidates to voters at election time. Quotas for electoral candidates are not possible in systems where candidates are decided in primary elections, such as the US; the outcome of primary elections is up to the voters and cannot be determined ahead of time.

While all of the cases in which statutory quotas for congressional candidates have been adopted are PR systems, however, there is some variation among these cases in terms of what kind of PR system is in force. Six of the twelve countries in question (Argentina, Belgium, Costa Rica, the Dominican Republic, Panama and Paraguay) have closed-list PR systems, in which parties present lists of candidates to the electorate, voters vote for a particular party list and seats are allocating according to each party's share of the vote. Three of the quota countries (Bolivia, Ecuador and Mexico) have mixed systems that combine elements of PR with Awinner take all systems; for the PR-allocated seats in each of these three cases, the lists are closed (International IDEA 1997). The remaining countries—Brazil and Peru—have open-list PR, in which voters can select particular candidates within party lists.

While electoral rules do not determine whether or not quotas will be adopted, they do have an impact on quota effectiveness. Some maintain that quotas are easily implemented because they do not in fact generate increases in the numbers of women elected to office, and thus do not threaten the status of men already in office. Various factors can enhance or detract from the effect of gender quotas. As Mark Jones has convincingly demonstrated, whether or not quotas result in more women getting elected depends on (1) whether electoral lists are open or closed, (2) district magnitude, and (3) mechanisms in the law to ensure that women are placed in electable positions within candidate lists (1996, 1998).

In his study of the impact of gender quotas on the election of women to the Argentine provincial legislatures, for example, Jones finds that the effectiveness of quotas depends largely on the existing institutional context, including Athe type of party list used (e.g., closed, *lema* or open), the magnitude of the electoral districts, the degree of political party centralization and institutionalization, and the rules governing campaign finance (1998, 15; see also Norris and Lovenduski 1995). Specifically, Aa national quota law is likely to be most effective where legislators are elected from relatively large magnitude districts using a closed list form of PR (Jones 1998, 15). In short, certain kinds of electoral rules may cancel out the gains provided by quotas.

Thus, electoral rules do not neatly correlate with quota law adoption. The optimal conditions for quotas exist in five of the ten Latin American countries that have adopted quota laws—although in the mixed systems, gender quotas generally apply to only half of the seats within the legislature. The remaining countries all have open-list PR that attenuates the positive effects of quotas on the election of women to office.

To summarize this discussion of institutional explanations for the adoption of gender quota legislation: it appears that none of the institutional variables described here—electoral rules, legislative strength or candidate recruitment process—explain the adoption of quotas. As this evidence suggests, countries that have adopted national-level quota laws span a wide range of institutional designs.

Nonetheless, debates about quotas in particular countries indicate that proponents and opponents understand the implications of these institutional differences very clearly. In Argentina, for example, women in the *Union Civica Radical* (UCR) party fought hard to ensure that quota proposals stipulated both the percentage of women to be nominated on electoral lists and the placement of candidates on lists by gender. One UCR proposal sought to alternate male and female candidates on lists, to ensure that women would not be placed at the bottom of lists, where they would be least likely to be elected (Lubertino 1992). This observation points to the mobilization of women's organizations as a potential explanation for the adoption of gender quota legislation.

EXPLANATION TWO: POPULAR MOBILIZATION

This model maintains that pressure from women's organizations leads politicians to support quotas. This approach parallels numerous studies that have examined the ability of women's organizations to effect other kinds of policy change (Alvarez 1990; Banaszak 1994; Basu 1995; Costain 1992; Gelb 1989; Jaquette 1994; Katzenstein and Mueller 1987; Skocpol 1992). A central assumption in this literature is that it is unlikely that significant changes in women's political status would ever occur without popular pressure on behalf of women in voluntary grassroots organizations.

Accounts of women's efforts to increase the representation of women in political leadership positions abound. In almost every country ruled by a democratic political system, women's organizations have mobilized to put more women in office. Popular mobilization on behalf of women's organizations thus appears to be a necessary condition for enhancing women's representation. As Lovenduski and Norris (1995) note, Athere is no party in which efforts to nominate more women have occurred without an intervention by women making claims (14). In her study of women's electoral participation in Norway, for example, Bystydzienski (1995) argues that mobilization on behalf of women's organizations changed the nature of women's representation in the Norwegian Parliament. As she claims,

> "*although favorable preconditions were clearly in place for a long time, it was not until a particularly strong phase of the women's movement mobilized more women to enter politics and to become elected that female representation increased dramatically* (see also Skjeie 1988; Haavio-Mannila et. al. 1985).

The ability of Norwegian women's organizations to mobilize voters translated into increased clout with legislators. In Norway, women's groups within and outside the political parties formed a coalition and successfully pushed for legislative reforms and voluntary gender quotas (Bystydzienski 1995). This was also the case with the British Labour Party, where the adoption of quotas resulted from the mobilization of various groups within the party itself (Short 1996).

Popular pressure for the adoption of gender quotas in Latin America has occurred in the context of a resurgence of mobilization among women that began in the mid-1970s. During the past 30 years, women's organizations have exploded both in number and in kind. Due in part to their emergence in the context of transitions to military rule, women's groups linked their own concerns with a demand for the return to democracy; as a result, greater political participation has been a central issue for women's movements throughout the region (Alvarez 1990; Jaquette 1994; Basu 1996; Waylen 1995; Baldez 1997a, b).

The adoption of quota laws in Latin America reflects the focused efforts of a dense network of women's organizations at the international, regional and national levels during the 1980s and 1990s. This network has facilitated the spread of information about gender quotas and has fostered the mobilization of women throughout the Latin American region.

At the international level, events sponsored by the United Nations Commission on the Status of Women have been particularly important. After attending each of the UN World Conferences on Women, women in individual countries sought to sustain the energy and spirit of the UN conferences at the national level. Women in many countries organized national-level follow-up meetings after each of the World Conferences on Women—in Mexico City in 1975, in Nairobi in 1985 and Beijing in 1995. In Argentina, the Nairobi conference spawned a series of annual national women's meetings that grew in force over time. The *Encuentros Nacionales de Mujeres* that took place every year in various locations throughout Argentina attracted ever larger numbers of women: by 1991, the year the quota law was passed, the size of the meeting had more than doubled, to include more than 5000 participants. These meetings played a pivotal role in mobilizing women's support for the adoption of the Argentine quota law (Lubertino 1992, 37-41).

International party conferences, especially those in which women had their own forum, also provided women with opportunities to hammer out proposals and convince their male counterparts to support quotas. The Socialist International was a particularly influential forum (Lubertino 1992; Short 1996).

Awareness of women's efforts to adopt gender quotas in other countries influenced the domestic actors' beliefs that quotas could be adopted, and familiarized them with effective strategies. For women in Argentina, two examples of quotas—the experiences of the Spanish Socialist Party (PSOE) and the Costa Rica Law of Real Equality—were particularly instructive (Lubertino 1992, 26-30). After the Ley de Cups passed, Argentina in turn became an important example for other countries to emulate.

At the domestic level, women's groups, both within political parties and in civil society, organized extremely focused campaigns to promote the adoption of gender quotas laws. In Argentina, women's efforts to lobby for the Ley de Cupos intensified in response to legislators' resistance to the measure.

> *At each stage of the process, the Ley de Cupos encountered progressively increasing resistance from its opponents. . . . some of the most intense opposition to the law occurred in the final stage of this process which involved the formation of the party lists prior to the 1993 election. . . . In response, women from all parties . . . began an active campaign to publicize the Ley de Cupos in all the provinces. Their strategic goal was to ensure that the party leaders realized that they had no choice by to comply with the law (Jones 1996, 78).*

This passage indicates a reciprocal relationship between mobilization by female activists and resistance by male legislators, which suggests that this outcome (passage and implementation of the Ley de Cupos) can be explained as a function of mobilization directly affecting legislators' calculus about how to maximize their chances of staying in office.

The presence of hundreds of women packing the galleries of the Argentine Congress made it difficult for legislators to vote against the proposal (Lubertino 1992). However, their success points to the deployment of tactics aimed specifically at elected politicians. One particularly effective strategy is to focus on the level of electoral support for electing more women to office. This observation leads to the third and final approach examined in paper—voting behavior.

EXPLANATION THREE: VOTING BEHAVIOR

Evidence culled from the individual political parties that have implemented gender quotas suggests that they do so at least in part for pragmatic reasons: to win votes. Some parties have implemented quotas in an effort to boost their support among women, in the belief that doing so would help close the gender gap. In the US, in the decade after women got the vote, several states adopted quota legislation that applied to party leadership posts. By 1929, 11 states required that men and women be equally represented at all levels of party committees, and 18 more required equal representation at some levels of party leadership (Andersen 1996, 90). Informal quotas continue to exist in party organizations in many states today.

In 1989 the British Labour Party adopted a measure stipulating that A50% of the Parliamentary Labour Party (PLP) should be women within ten years or three elections (Short 1996, 21). In so doing, the Labour Party sought to end the Conservatives' long-standing gendered advantage. As Clare Short, Labour MP and Shadow Minister for Women remarked, ALabour's failure to win women's votes has been one of its major postwar political failures and the Tory party's electoral success with women a major part of the explanation of [that party's] political success (Short 1996, 19). While it is not clear whether or not women actually do vote for female candidates over male candidates, the belief within the Labour Party was that they did. The words of one LP official, quoted in Squires (1996, 76), reveal this line of thinking:

> *In 1992 the swing to Labour in all key seats was 3.6% but in the seats contested by women it was 4.0%. There is also some evidence to suggest that women are more likely to turn out to vote if the candidate is female. With a gender gap of 6 points in the Conservative's favour Labour is going to need every woman candidate it can get.*

Squires continues:

> *Despite the fact that the evidence . . . is disputed and that many claim that there is no difference by gender after controlling for region and type of seat the belief that increasing the number of women candidates might help address the 'gender gap' has proved an important factor in rallying support for the quotas policy (Squires 1996, 76).*

In sum, the Labour Party adopted quotas on the basis of the assumption that to do so would close the gender gap. According to these observations, gender quotas will be implemented if (1) there is a gender gap in electoral behavior and (2) legislators perceive gender quotas as a way to narrow the gender gap and thus benefit their party.

This line of argument, which explains the implementation of voluntary quotas at the party level, may be extended to statutory quotas at the national level. National-level quota laws may also be implemented in legislatures that are dominated by a particular political party that supports gender quotas, especially one faced with a deficit of support among female voters. In other words, quota laws will be adopted in legislatures that are dominated by a political party that is facing a gender gap and that perceives quotas as a way to close that gap.

How do legislators come to perceive quotas in this way? Mueller (1988) argues that a gender gap in US voting behavior did not lead to policy change until women's organizations brought the gap to the attention of the public. Mueller's account suggests that the ability of women's organizations to influence politicians and effect change depends on the extent to which politicians perceive them as representing a significant portion of the electorate.

The logic of the voting behavior model is as follows. Women often constitute a majority of the electorate. While women do not vote as a bloc, a gender gap (i.e., a difference between men's and women's support for a given candidate or position) often exists—and women's votes can be decisive in determining electoral outcomes. Moreover, women tend to support female candidates over male candidates, and party leaders know this to be the case. Women activists lobby on these grounds, emphasizing the support of the female electorate for female candidates, to pressure for the adoption of quota laws.

CONCLUSION: POLICY AND RESEARCH IMPLICATIONS

Statutory gender quotas for all candidates at the congressional level herald an important change in the nature of women's political representation. Under the right institutional conditions, quotas generate dramatic increases in the number of women elected to political office. This paper, which compares this one issue across a range of cases, constitutes an effort to explain the conditions under which quotas are and are not adopted.

My research suggests that two factors are key in implementation of quotas: popular pressure from women's organizations, and the perception among politicians that women favor female candidates. Women's organizations must frame demands for gender quotas in terms that address the central concerns of legislators—getting re-elected. Grassroots mobilization has been successful where it has focused on the support of the female electorate. Because women make up more than 50% of the electorate, they are the most important constituency of voters; in the presence of a gender gap (a difference between men's and women's votes for any given candidate or party), women's votes become even more crucial to winning elections. The increasingly widely-held perception that women support female candidates further bolsters the persuasive powers of quota law supporters. Organizing and electoral pressure are thus intimately related.

This paper finds little evidence that the widespread adoption of quotas in Latin America can be explained as a function of similar institutional arrangements. The countries that have adopted quotas, even within this one region, differ widely in terms of (1) legislative-executive strength; (2) candidate recruitment procedures; and (3) electoral systems. While institutional factors may explain the effectiveness of quotas in increasing the number of women elected to office, they cannot account for the adoption of quota legislation in congress.

This paper builds upon the existing literature on institutional mechanisms to increase the number of women elected to office, and points to several fruitful areas of future research. Given the relatively recent adoption of quota laws, few studies have addressed the impact of quota adoption on the substantive representation of women's concerns on political agendas. Does the presence of more women in legislature that accrues from quotas entail significant changes in the kinds of legislation that gets introduced and passed? Women's presence in US legislatures (both state and national) does make a difference in the content of the legislative agenda (Thomas and Wilcox 1998). We should expect to see women make at least as much of a difference in the developing world.

ENDNOTES

[1] Gender quota laws are no different from any other laws in a given country, and are subject to the same enforcement mechanisms. The extent to which the violation of quota laws is punished will depend on the extent to which groups rely on the courts or bureaucrats to enforce compliance with the law. In Argentina as of 1994, for example, more than 30 lawsuits had been brought against the government for failure to implement the Ley de Cupos (Jones 1996, 79).

[2] These powers include the ability to veto, introduce legislation and referenda, and control the budget, as well as forming and dissolving the cabinet and the assembly (Shugart and Carey 1991, 150).

[3] I thank Bob Salisbury for this information.

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GENDER POLITICS IN MEXICO CITY: PERSPECTIVES AND OBSTACLES

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ABSTRACT

In the context of Mexico's current political conditions, and in particular, of the recently elected opposition government in the capital city (DF), this paper analyzes the changing situation in policy making favoring women and the interrelations between organized women's groups, legislators and public officials.

Women within the *Asamblea Nacional de Mujeres* (National Women's Assembly) have managed to be considered as legitimate interlocutors by both congresswomen and some of the newly appointed Mexico City public officials, legislators are inaugurating their role as representatives of women's demands; and some gender sensitive women are now in government positions.

This positive situation, notwithstanding, some obstacles remain that threaten today's possibilities of promoting gender policy making. The most important problems being Congress dynamics and party interests, the difficulties posed by prioritization and representation within women's groups, and political uncertainty, limited budgets and lack of administrative experience.

GENDER POLITICS IN MEXICO CITY: PERSPECTIVES AND OBSTACLES

In the realm of Mexico City's new power relations, women's NGO's and networks organized around gender issues, as well as congresswomen and recently appointed public official are creating a very positive state of political relations.

This paper describes and analyzes the role of these key actors involved in policy making for women, and the obstacles they are meeting when trying to include gender demands in the public agenda.

I. THE POLITICAL CONTEXT

One of the main topics of contemporary concern and attention in Mexico -as well as in the rest of Latin America- relates to what is considered as the "democratization process" (Vargas, 1993; Jacquette, 1994), and the relevant role women's citizenship is playing in it.

1968 -with the turmoil of social unrest which characterized it- meant the beginning of the break-up of Mexico's authoritarian regime, but it was not until 1977 that the first steps towards an electoral reform were taken which promoted an incipient citizen participation in formal political processes.

What has been generated up to this point, according to Marques-Pereira and Bizberg (1995) is a captive, pseudo-citizenship, regulated by corporativism, denied by the lack of acknowledgment of a specific gender identity, mutilating and limiting women's rights and dependent on patron-client relations which subdue individuals and groups to governmental gratuities.

There is no doubt women have attained a place of growing visibility in Mexican society (Lamas, Martinez, Tarres and Tuñon, 1994), but, it has been not only slow in coming but limited. Empirical data still shows persistent inequalities and discriminations -legal and factual- in health, education, and labour and political participation (INEGI/UNIFEM, 1995).

The last two decades have brought about a change in the public realm with the strengthening of opposition parties, while a new social actor the civil society (Touraine, 1987), has made its way and is claiming a voice through all kinds of non-governmental organizations.

We have seen an increase in women's formal and informal[1] political participation, while women's NGOs have undergone a process of professionalization. Women politicians, both in Congress and in government positions are getting closer to organizations, are calling on them and are more willing to bring their claims to the public arena. Without relying on the essentialist temptation of expecting a qualitative change because of their increased numerical presence, we can now attest to the formation of an incipient "critical mass" of women in key positions (Dahlerup, 1986).

The possibilities opened by the modification of electoral practices[1] are the cause and at the same time the result of a strong citizen mobilization, struggling for a long-expected change. This is the present day context in which women appear as new social actors, playing an active role in the transition to democracy.

II. GREAT EXPECTATIONS

In July 1997 the opposition candidate Cuauhtemoc Cardenas (PRD) was elected as the capital city's first Mayor (*Jefe de Gobierno*) by an overwhelming majority. This event brought new circumstances specifically for the capital city (DF): competing parties, a more active local Congress and a more receptive relationship with citizen in what concerns social problems. Among campaign offerings were not only the solution to deeply felt daily problems as unemployment, corruption or insecurity, but also a specific attention to women's demands (Cardenas, 1997).

This situation brings new perspectives for policy making on behalf of women. I will here analyze the actions and strategies developed by three key actors involved in this process: women legislators, public officials and groups, and the obstacles they are meeting.

There is a 15% of women in Congress in the federal Legislature, and a 22% in the city Congress (IFE, 1997) -a larger number than ever before in both cases- and many of whom have openly expressed their will to promote legislative changes for women.

Women's groups organized in networks[2] have been very active. They raised specific demands to representatives of every political party before the elections, and have politicized these demands (Fraser, 1989), taking to the public arena a series of previously considered private concerns, as violence against women or reproductive health issues. The Women's Assembly (ANM) has established a strong link with congresswomen, promoting two important events: the formation of the Gender and Equity Commission in both the local and the federal Congress, and a Women's Parliament. The latter has the purpose of bringing up proposals for legal modifications to be included in the Congressional agenda. Correspondingly, the ANM is involved in supporting congresswomen, and in the follow-up of the legislative work.

The new city government has appointed several public officials -with a background in the feminist movement- in high responsibility positions: the Secretary of the Interior, the Secretary of Education, Health and Social Development, and the Secretary of Economic Development. The Interior Department has just established a women's program (PromujerDF); the Education, Health and Social Development is in charge of the city's total social policy, within which women are considered a group that deserves priority attention in a broad array of issues; and the Department of Economic Development has designed a focalized program for women in small businesses. Programs are designed on the grounds of the officials' own experience and knowledge, and discussed with representatives of women's groups and unions, as consultants.

III. THE PRACTICAL EXPERIENCE OF POLICY MAKING[3]

The city's previous administration (1994-97) issued several programs for priority sectors (children, aging population, women), called "alliances" with the intention of making the private sector and civil organizations participate with governmental agencies. In the case of women, such program had to be issued in a very short time, just a few months before the next elections.[4] Its content was a critical diagnosis of the inequalities affecting the female population, plus a qualitative list of 'good wishes' taken from the women's organizations known claims. The diversity of public and private agencies which would have been involved, the immediacy of the electoral process and the lack of practical knowledge to implement the program, made it *de facto* nonexistent. Only two concrete actions were taken, selected because of their known possible impact: an attention unit for family violence victims, and a shelter for battered women -although this was obviously not the only policy that had incidence on women.

Links, strategies and planning

Promujer has considered several concrete actions, involving other agencies: a campaign against violence (with UNIFEM), violence attention units and Women's Integral Attention Houses (CAIM) in collaboration with the city's political administrative divisions, as well as a full analysis of the legislation, to be worked out with the local Congress. This program has the most pragmatic approach: there is no need for more studies but a few noticeable things must be done, and soon!

Health and Education established *ad hoc* offices to sensitize public officials in gender issues, and to be in charge of 'women and children' social projects, it also has its own plan over the Attention Houses -different from that of *Promujer*. Economic Development intends to work with *Promujer* on a training and financing program for women's micro-businesses.

Up to now, the persistent dilemma between labeling economic resources for women's programs, or 'mainstreaming' their budgets (Leon, 1993; S[illegible], 1997) has been solved by the latter option. Ne[illegible]heless, the larger number of women in representation and public office positions -femocrats- has permitted the gender discourse to transcend to more extensive spheres of policy making. We can clearly note this by the legislators statement concerning the inclusion of the Women's Parliament demands in the different regular Congress Commissions.

The Federal Congress Equity and Gender Commission was already successful in passing the Law against Family Violence. It is now working on a quotas law (30/70) for electoral candidacies, the Civil Code, the labour law, and the system of justice.

The recently established equivalent Commission in the city Congress has just begun working, but it is already committed on the discussion of the Citizen Participation Law (with *Promujer* and women's organizations), the Civil Code, and a thorough revision of the whole city legislation.

A relevant strategy within these Commissions is that of working over inter and intra party consensus, convincing both men and women Representatives, which is not an easy task[5] A constant dialogue with women's groups, and the promotion of affirmative action legislation as a supplementary effort, are among their priorities.

Obstacles

What seems a very positive situation in gender policy making in the current context because of an osmosis effect among the different actors (Stevenson, 1996), is nevertheless facing several obstacles:

- In every case, pragmatism is playing a major role. The current city administration as well as both the Federal and the city Congresses have only a three years period, of which almost one is already gone.
- The learning process of legislative procedures is long and complex. Congress dynamics and party interests seldom agree on making gender issues their priority. Politicians will be more involved with and faithful to their own party's criteria.
- It is still a challenge to convince men *and* women Representatives and public officials of the relevance of gender concerns in every sphere. Indifference and lack of consciousness, as well as strong resistance and mocking, are still prevalent.
- Government programs have not only a very short time to show results, but budgetary limitations, political image and emergency problems, usually come in first place.
- Administrative difficulties faced by an inexperienced team make the budget and task distribution sometimes unclear. This can be seen with *Promujer* and other overlapping programs.
- The plurality of women's voices is not always represented. Even though it would be impossible to satisfy all kinds of claims, organized women are suspicious of prioritization criteria and the legitimacy of decision makers. Rivalry over protagonic roles and over public funding are hard to overcome.
- It is not advisable to work over any particular demand out of an endless list of them, without empirical, substantive and convincing research. There is an urgent need for professionalized work to develop the appropriate implementation mechanisms.
- It will be difficult to develop responsible links among those involved in policy making if we lack the institutional means for demanding accountability of congresswo/men[6] and public officials.

IV. FINAL CONSIDERATIONS

Low fertility rates, and high levels of education, and economic and political participation, are some of the characteristics distinguishing women in Mexico City from those of the rest of the country (Martinez, 1994; Barquet, 1996). However, inequities remain, and so further efforts to overcome them are still necessary.

The close relationship among the family, work and state spheres (Pascall, 1997) compels us to address women's position within them. There is no doubt women have been achieving partial benefits which have accumulated so we can now attest to improved life conditions. It is equally true that this transformation is due in part to women's own persistent and organized efforts. As emergent social actors (Schneider and Ingram, 1997), women have attained visibility and incidence in the public sphere. One of the most noticeable changes is in their current social construction, which has passed from being labeled as 'dependent and needy", to be considered as subjects of rights and obligations -though not yet totally or coherently, a fact that has strong implications over citizenship and democracy (Phillips, 1991; Vargas, 1993). What I am talking about is not only their conscious participatory activities, but their actual representation and presence in decision making.

We have learned important strategies along the way. The establishment of networks, of alliances with other social actors (Mouffe, 1992), of negotiation practices (Tarres, 1993) and the deradicalization of certain demands (Dahlerup, 1993), are political practices yielding new results. Women's citizenship, which is being constructed, requires our conscious participation, the knowledge of our own rights, and the appropriate acknowledgment from the different agents.

ENDNOTES

[1] A multi-party system with a representative Congress, a growing certainty of clearer elections and the strengthening of a counterbalance between the executive and the Legislative powers.

[2] Though it is not the only one, I have focused my analysis in the National Women's Assembly activities for being a broad and plural umbrella organization which includes women from political parties, NGOs and scholars, and who has recently had a very active role.

[3] Information for this section come from my interviews with the women in charge of the described actions, as well as from my own participation as consultant for PromujerDF and in discussion group meetings.[3] As a scholar, I was in charge of coordinating the work for the "Alianza en Favor de la Mujer del DF" (Barquet, 1996).

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THE PAST, PRESENT, AND FUTURE OF GENDER STEREOTYPIC CHARACTERISTICS AND SOCIAL ROLES: IMPLICATIONS FOR POLICY

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ABSTRACT

In order to plan policy advancing women's status most effectively, it is important to examine perceptions of change in gender stereotypes and to investigate how such change is related to perceptions of shifts in men's and women's roles. Participants in four experiments rated target women or men on gender stereotypic characteristics and estimated the sex distributions of social roles for a specific time period (ranging from 1950 to 2050). As predicted on the basis of greater change in women's roles, women were generally perceived as increasing substantially in masculine characteristics and remaining relatively stable in most feminine characteristics, whereas men were more likely to be perceived as remaining stable in both masculine and feminine characteristics. The implications of this research, particularly regarding the importance of reducing occupational sex segregation and women's responsibility for family work, are discussed.

Women's progress in gaining power and status is inextricably linked to the sexual division of labor at home and in the workplace. Psychological forces, such as gender stereotypes and gendered self-schemas, interact with political and economic forces to produce and reproduce women's lower status in the current social structure. Indeed, since 1950, women's presence in the paid labor force has increased substantially (U.S. Department of Labor, 1991), and women have entered the paid labor force in increasing numbers with every cohort (Institute for Women's Policy Research, 1996). What effects has this vast social change produced on gender stereotypes? According to social role theory (Eagly, 1987; Eagly & Wood, 1991), the sexual division of labor is inherently implicated in the formation and maintenance of gender stereotypes. To the extent that individuals perceive that women and men are equally distributed into social roles, they should perceive equality in the attributes of the sexes. In order to examine these perceptions, stereotypes of men and women of the past, present, and future were explored in relation to estimates of the sexual division of labor at home and in the workplace for the corresponding time frame. Studying perceptions of the past, present, and future allows an examination of the trajectory of social change; this design offers a glimpse of people's ideas of the past and future of sex segregation in social roles, as well as the accompanying characteristics of men and women. With these perceptions in mind, principles for useful policy initiatives for the future can be formulated.

OVERVIEW OF METHODOLOGY AND RESULTS

In four related studies, over 700 public and private university students, as well as a nonstudent sample from a local airport, were surveyed. In the basic design, participants were presented with a target individual, described as "the average man" or "the average woman" in one of three time periods: 1950, the present, or 2050. Participants then rated the likelihood of this target possessing characteristics that constituted six different dimensions of gender stereotypes: feminine personality (e.g., affectionate, gentle), masculine personality (e.g., competitive, daring), feminine cognitive (e.g., imaginative, intuitive), masculine cognitive (e.g., analytical, mathematical), feminine physical (e.g., sexy, cute), and masculine physical (e.g., rugged, muscular). In addition, participants estimated the sex distributions of several occupations and domestic chores in the target year. The basic design was modified in three related studies to add the year: 1975 and 2025, to examine negative as well as positive gender stereotypic characteristics, and to have participants directly compare male and female targets.

The distribution of women and men into occupational and domestic roles (see Tables 1 and 2) was perceived as shifting linearly toward equality; these effects were moderated by participant sex, with female participants perceiving slightly more role change than male participants. Roles were predicted to become more equal, but even the projections for 2050 did not reach complete equality. Rather, participants projected that roles would retain vestiges of traditionalism, usually with approximately 2/3 of the role occupants being of the stereotypic sex. Further, male-domi-

Table 1

Experiment 4: Estimated Percentages of Counterstereotypical Sex in Occupations

	Male-dominated						Female-dominated					
	Lawyer		Physician		Auto mechanic		Elementary school teacher		Flight attendant		Homemaker	
Year	M	SD	M	SD	M	SD	M	SD	M	SD	M	SD
1950	20.74	25.15	22.26	20.72	9.48	23.05	20.71	13.79	13.90	17.95	4.26	5.01
present	36.45	10.69	38.90	9.73	12.74	8.30	22.03	8.54	33.19	21.25	15.03	15.19
2050	46.75	10.35	47.69	7.38	20.63	12.75	32.81	12.33	38.13	12.68	35.02	16.76

Note. Cell ns ranged from 31 to 32. Higher percentages denote greater nontraditionalism in the occupation. Similar patterns were found in Experiments 1, 2, and 3; to conserve space, only data from Experiment 4 are reported here.

Table 2

Experiment 4: Estimated Percentages of Counterstereotypical Sex in Domestic Activities

	Male-stereotypic						Female-stereotypic							
Year	Fixing things around the house M	SD	Mowing the lawn M	SD	Taking care of the car M	SD	Caring for children M	SD	Cleaning M	SD	Cooking M	SD	Laundry M	SD
1950	23.35	21.79	15.16	18.71	8.42	9.53	19.90	19.13	19.11	22.92	9.98	9.05	13.77	18.31
present	35.94	18.07	24.52	19.67	23.29	18.99	38.42	12.14	31.97	12.29	30.03	10.74	28.81	16.99
2050	37.50	11.29	31.41	12.46	30.47	11.87	45.78	6.49	44.38	11.76	45.22	8.25	42.97	11.21

Note. Cell ns ranged from 31 to 32. Higher percentages denote greater nontraditionalism in the domestic activity. Similar patterns were found in Experiments 1, 2, and 3; to conserve space, only data from Experiment 4 are reported here.

nated occupations showed slightly more estimated change than female-dominated occupations.

In each study, participants perceived men and women as becoming more similar over time, primarily because of women's adoption of masculine characteristics. Overall, women were perceived as changing to a greater extent than men (see Table 3 for summary). By far, the largest effect was the significant linear increase of female targets in masculine personality attributes. In addition, female targets were also perceived to increase linearly in masculine cognitive and physical characteristics. In contrast, male targets showed relative stability in masculine characteristics. An increase in men's feminine personality characteristics was inconsistently perceived, but sex differences were projected to remain stable in feminine cognitive and physical attributes. None of these effects was moderated by participant sex, age, or public vs. private university status.

Correlational and mediational analyses provided support for social role theory's predictions that perceptions of increased equality in social roles will be related to perceptions of increased equality in men's and women's characteristics. Significant correlations were found between the perception of nontraditionalism in roles (i.e., estimates of a larger proportion of the counterstereotypic sex in the roles) and the ascription of counterstereotypic traits to women and men; these correlations were highest for female targets on the masculine personality, cognitive, and physical attributes and for male targets on feminine personality attributes. Also, path analyses revealed that female targets' levels of masculine personality, cognitive, and physical attributes and male targets' levels of feminine personality attributes were mediated by perceived nontraditionalism of occupational and domestic roles.

POLICY IMPLICATIONS

Perceptio[illegible] how men and women are changing are [illegible]al to the consideration of how to best plan to advance women's progress, even though the design of this study does not speak directly to attitudes toward specific policies. We will first discuss the theoretical implications for this work, and then concentrate on the specific directions for policy research indicated by our research to be particularly advantageous, including the areas of occupational sex segregation, pay equity, and child care.

From a theoretical standpoint, these findings are interesting in light of their support for social role theory and their illustration that stereotypes of men and women are indeed dynamic. Rather than simply describe the current characteristics of men or women, stereotypes also include trajectories of social change. Gender stereotypes' dynamic quality is supported by public opinion data: Most people (74% of men and 65% of women) believe that the position of women has improved in the past five years (Gallup, 1995). This pattern of response demonstrates the widespread consensus that exists concerning women's shifting position, and also indicates that dynamic qualities can be perceived when considering only a short amount of time. If groups are considered to be more dynamic, the

Table 3

Summary of Effect Sizes (rs) for Linear Trends on Gender Stereotypic Dimensions

Gender stereotypic dimension	Experiment 1 Female	Experiment 1 Male	Experiment 2 Female	Experiment 2 Male	Experiment 3 Female	Experiment 3 Male	Experiment 4 Comparison
Masculine							
Personality	.54	-.06	.48	.07	.58	.10	.49
Cognitive	.37	.08	.40	.01			.26
Physical	.20	.08	.36	.06			.25
Feminine							
Personality	.28	.22	.22	.00	-.10	.12	.28
Cognitive	.12	.18	.17	.12			.03
Physical	.10	.27	.08	.11			.01

Note. For Experiments 1, 2, and 3, a positive sign for the rs corresponds to a linear increase in the characteristics across the years of the design, and a negative sign corresponds to a linear decrease. For Experiment 4, a positive sign corresponds to a linear increase in the similarity of the female and male targets. Also, for Experiment 3, on the negative masculine personality dimension, r = .36 for female targets and r = .13 for male targets; on the negative feminine personality dimension, r = -.26 for female targets and r = .06 for male targets.

very fact that people perceive so much transformation in women's roles and characteristics may increase the likelihood that citizens will be favorable toward policy change that fosters women's advancement. Thus, policy doors may be opened to group members sooner rather than later in order to accommodate the group's changing characteristics.

These findings also have implications for the direction of policy initiatives aimed to promote women's equality. First, this research underscores the fundamental position that men's and women's occupational roles play in the formation and perpetuation of gender stereotypes. We must eradicate occupational sex segregation if we are to begin to eradicate gender stereotypes. Any reduction in gender stereotyping should also circle back to reduce occupational sex segregation, because such stereotypes function to maintain the sexual division of labor (Cejka & Eagly, in press). Although women have entered the paid work force, occupational sex segregation is still prevalent (IWPR, 1996; Jacobs, 1989; Reskin & Padavic, 1994). For example, women continue to be concentrated in jobs thought to require communal characteristics (Cejka & Eagly, in press) and are disproportionately focused in the service industry (IWPR, 1996). Even in positions bearing the same job title, men and women have been found to perform different duties (Deaux & Ullman, 1983). Equal distribution of tasks and responsibilities is required in order to change gender stereotypes.

Both subtle and explicit forces work to maintain occupational sex segregation. Cejka and Eagly (in press) have demonstrated that gender stereotypic images of occupations can influence factors relating to what kinds of jobs men and women are likely to pursue. Women report more attraction to jobs that require female characteristics than other jobs, whereas men report less attraction to jobs that require female characteristics. Success in female-dominated jobs is thought to require feminine personality and physical characteristics, and success in male-dominated jobs is thought to require masculine personality and physical characteristics. Thus, if one construes oneself or is construed by others as having gender stereotypic characteristics, sex-typical jobs will be perceived as more suitable than sex-atypical jobs.

Occupational sex segregation is also maintained through more explicit forms of discrimination. Glick (1991) has differentiated trait-based discrimination (based on the masculine or feminine traits thought to be required for the job) from sex-based discrimination (which is based solely on whether men or women predominate in the job); however, the root of trait-based discrimination may lie in sex-based discrimination. Social role theory predicts that as the numbers of men and women become more equal within a job, the characteristics thought to be necessary for that job will change correspondingly and men's and women's attributes to fit the new roles. Thus, policy should focus on reaching equal numbers of men and women in jobs if gender stereotypic images of such jobs are to be modified. Affirmative action has helped to secure jobs for women in some traditionally male-dominated fields; however, many occupations remain sex-segregated, particularly at the highest levels. Further, men have not entered female-dominated occupations to the same extent that women have entered male-dominated occupations.

Along these lines, another intriguing aspect of these results is the pattern of findings for sex distributions in specific jobs. Participants saw all jobs as becoming more equally distributed over time, but equality was more fully realized in certain jobs. In particular, lawyer and physician were projected to have more than 40% female workers by 2050. The currently female-dominated jobs (elementary school teacher, flight attendant, and homemaker) were predicted to be less sex-equal, with projections of about 30% male workers by 2050. The most segregation predicted for 2050 was found for the position of auto mechanic: only 20% of workers were projected to be women. These findings may signal that extra attention should go to policies aimed at increasing women's access to blue collar jobs such as mechanics and construction workers, which currently show some of the highest levels of sex segregation (IWPR, 1996). Although such jobs are lower in prestige than other male-dominated jobs, the salaries and benefits are lucrative. With less reliance on pure strength because of expansion in technology, the argument that men are better suited to such jobs because of their greater size and strength is increasingly untenable.

The gender gap in wages is another key policy issue related to these findings. Participants here foresaw a decrease in the wage gap, with women's wages as a percentage of men's increasing from 45.4% in 1950, to 74.5% in the present, and 82.5% in 2050. Nonetheless, corresponding to their estimates of a continued imbalance in occupational sex distributions, participants did not perceive the wage gap as disappearing, even in 2050 (see Table 4). Previous research has demonstrated that although occupational prestige is predicted by masculine and feminine personality and cognitive attributes, salary is predicted only by masculine personality attributes (Cejka & Eagly, in press; Glick, 1991). Men's higher perceived levels of masculine personality characteristics obviously give them an advantage in competing for the most highly paid positions. Therefore, a practical incentive exists for women to adopt masculine personality characteristics; no obvious economic incentive exists for men's adoption of feminine personality characteristics. The participants here predicted increased movement of women into traditionally male-dominated jobs; this movement would obviously contribute to the reduction of the wage gap. Furthermore, the elevated competition for the highly paid, traditionally male-dominated jobs might then increase men's participation in traditionally female-dominated jobs. Until men and women are more equally distributed into occupations, the wage gap is unlikely to diminish substantially. Participants perceived the wage gap to be decreasing parallel to increased equality in social roles and gender stereotypic characteristics; thus, equality in one area is associated with equality in the other areas.

Participants did not predict men's equal partnership in child care by 2050; neither did these participants predict that women will decrease participation in paid work in order to increase participation in family work. These perceptions generally reflect the reality that women assume greater responsibility for domestic activities. Although men have increased their levels of participation in family work (Shelton, 1992), domestic work remains segregated by sex (Biernat & Wortman, 1992; Blair & Lichter, 1991). Hochschild (1989) has argued that women's greater responsibility for family work results in a "second shift" for women who work outside of the home. Ferree (1991) found that most women did not contribute more hours of work than men did, but that a greater proportion of women's time was spent doing unpaid domestic and family work, whereas a greater proportion of men's time was spent on paid work in the labor force. Thus, Ferree argued that although most women do not work more hours than men, the division of labor within families is gender specialized. This gender specialization may take its toll in perceptions of women's lesser commitment to career relative to male coworkers. These data suggest that if women are to cease being penalized at the workplace for family responsibilities, a greater proportion of family work, particularly child care, must be assumed by outside help. Policy providing for quality child care as a benefit for all workers would greatly help in alleviating the burden placed on working parents, especially women. Hochschild (1989) has argued that the workplace is still based on the assumption that the worker's wife assumes full-time responsibility for family work; in the perceptions of our participants, this model of the division of labor has steadily decreased in prevalence and is predicted to become still less common in the future. Therefore, workplace policy will be under increasing pressure to adapt to the current social structure.

In sum, these studies demonstrate that individuals perceive changes in characteristics of women and men as corresponding to changes in social structure. Although a segment of the population may arguing for the return of the "traditional family" whose members fulfill gender stereotypic roles, our participants disagreed.

Table 4

Experiment 4: Mean Estimates of Salaries by Target Sex and Year

	Target sex				
	Female			Male	
Year	M	SD		M	SD
1950	12,309	8,996		27,100	15,620
Present	27,355	8,674		36,710	11,353
2050	45,000	22,982		54,722	28,806

Note. Salary estimates given in 1997 dollars. Cell ns ranged from 27 to 31 participants.

and in fact projected change to continue into the future. On the basis of these projections, we can argue forcefully for measures that counteract occupational sex segregation and decrease women's burden of the responsibility for family work. To the extent that men and women occupy equal distributions into social roles, they will be perceived as similar in other characteristics, and thus positions of higher status will be closer within women's reach. In fostering women's progress toward equal status, it is crucial to remember that policy implementations do not merely reflect prior social change; such implementations are indeed causes of social change. In allowing for more flexibility and balance in men and women's work and parental roles, policy initiatives have great potential to contribute to gender equality.

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THE EQUAL RIGHTS AMENDMENT: UNFINISHED BUSINESS FOR THE CONSTITUTION

Roberta W. Francis, ERA Summit

ABSTRACT

The Equal Rights Amendment would place in the U.S. Constitution a basic principle – that rights guaranteed by that document are held equally by all citizens, male and female alike. Lacking a clear and permanent affirmation of their equal status, women have struggled politically for over two centuries to remove barriers to their full exercise of the rights guaranteed by the Constitution. The ERA, proposed in 1923, was sent to the states for ratification in 1972 but received only 35 of the necessary 38 ratifications before a 1982 deadline passed. ERA supporters recently developed a "three-state strategy" proposing that the existing 35 ratifications may still be valid, thereby promoting renewed interest in the ERA as a means of combating sex discrimination and improving women's legal status.

THE EQUAL RIGHTS AMENDMENT

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

As supporters of the Equal Rights Amendment between 1972 and 1982 lobbied, marched, rallied, petitioned, picketed, and even went on hunger strikes and committed acts of civil disobedience, it is probable that many of them were not aware of their place in the long historical continuum of women's struggle for constitutional equality in the United States. From the very beginning, the inequality of men and women under the Constitution has been an issue for advocacy.

In 1776, Abigail Adams wrote to her husband John, "In the new code of laws, remember the ladies and do not put such unlimited power into the hands of the husbands."[1] John Adams replied, "I cannot but laugh. Depend upon it, we know better than to repeal our masculine systems."[2]

The new Constitution's promised rights were fully enjoyed only by certain white males. Women were treated according to social tradition and English common law and were denied most legal rights. In general they could not vote, own property, keep their own wages, or even have custody of their children.

19TH-CENTURY WOMEN'S RIGHTS STRUGGLES

The first visible public demand for equality came in 1848, at the first Woman's Rights Convention in Seneca Falls, NY. Elizabeth Cady Stanton and Lucretia Mott, who had met as abolitionists working against slavery, convened a two-day meeting of 300 women and men to call for justice for women in a society where they were systematically barred from the rights and privileges of citizens. A Declaration of Sentiments and eleven other resolutions were adopted with ease, but the proposal for woman suffrage was passed only after impassioned speeches by Stanton and former slave Frederick Douglass, who called the vote the right by which all others could be secured. However, the country was far from ready to take the issue of women's rights seriously, and the call for justice was the object of much ridicule.

After the Civil War, Stanton, Susan B. Anthony, and Sojourner Truth fought in vain to have women included in new constitutional amendments giving rights to former slaves. The 14th Amendment defined citizens as "all persons born or naturalized in the United States" and guaranteed equal protection of the laws – but in referring to the electorate, it introduced the word "male" into the Constitution for the first time. The 15th Amendment declared that "the rights of citizens . . . to vote shall not be denied or abridged . . . on account of race, color, or previous condition of servitude" – but women of all races were still denied the ballot.

To Susan B. Anthony, the rejection of women's claim to the vote was unacceptable. In 1872, she went to the polls in Rochester, NY, and cast a ballot in the presidential election, citing her citizenship under the 14th Amendment. She was arrested, tried, convicted, and fined $100, which she refused to pay. In 1875, the Supreme Court in *Minor v. Happersett* said that while women may be citizens, all citizens were not necessarily voters, and states were not required to allow women to vote.

Until the end of their long lives, Elizabeth Cady Stanton and Susan B. Anthony campaigned for a constitutional amendment affirming that women had the right to vote, but they died in the first decade of the 20th century without ever casting a legal ballot.

VICTORY FOR WOMAN SUFFRAGE

The new century saw a profound change in the lives of women, as they joined the workforce in increasing numbers, led the movement for progressive social reform, and finally generated enough mass power to win the vote. Carrie Chapman Catt and the National American Woman Suffrage Association were a mainstream lobbying force of millions at every level of government. Alice Paul and the National Woman's Party were a small, more militant group that not only lobbied but conducted marches, political boycotts, picketing of the White House, and civil disobedience. As a result, they were attacked, arrested, imprisoned, and force-fed. But the country's conscience was stirred, and support for woman suffrage grew.

The 19th Amendment affirming women's right to vote steamrolled out of Congress in 1919, getting more than half the ratifications it needed in the first year. Then it ran into stiff opposition from states'-rights advocates, the liquor lobby, business interests against higher wages for women, and a number of women themselves, who believed claims that the amendment would threaten the family and require more of them than they felt their sex was capable of.

As the amendment approached the necessary ratification by three-quarters of the states, the threat of rescission surfaced. Finally the battle narrowed down to a six-week, see-saw struggle in Tennessee. The fate of the 19th Amendment was decided by a single vote, that of 24-year-old legislator Harry Burn, who switched from "no" to "yes" in response to a letter from his mother saying, "Hurrah, and vote for suffrage!" The Secretary of State in Washington issued the 19th Amendment's proclamation immediately, before breakfast on August 26, 1920, in order to head off any final obstructionism.[3]

Thus mainstream and militant suffragists together finally won the first, and still the only, specific written guarantee of women's equal rights in the Constitution – the 19th Amendment, which declared, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." It had been 72 years from Seneca Falls to victory, and ironically, the most controversial resolution had been written into law first. But many laws and practices in the workplace and in society still perpetuated men's status as privileged and women's status as second-class citizens.

THE EQUAL RIGHTS AMENDMENT

Freedom from legal sex discrimination, Alice Paul believed, required an Equal Rights Amendment that affirmed the equal application of the Constitution to all citizens, men and women alike. In 1923 in Seneca Falls, during the celebration of the 75th anniversary of the 1848 Woman's Rights Convention, she introduced the "Lucretia Mott Amendment," which read: "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction."

Although the National Woman's Party and professional women such as Amelia Earhart supported the amendment, reformers who had worked for protective labor laws that treated women differently from men were afraid that the ERA would wipe out their progress.

In the early 1940s, as women showed their loyalty and value during World War II, the Republican Party and then the Democratic Party added the Equal Rights Amendment to their platform. Alice Paul rewrote the ERA in 1943 to what is now called the "Alice Paul Amendment," reflecting the language of the 15th and the 19th Amendments: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." But the labor movement was still committed to protective workplace laws, and social conservatives considered equal rights for women a threat to the existing power structure.

In the 1960s, over a century after the fight to end slavery fostered the first wave of the women's rights movement, the civil rights battles of the decade provided an impetus for the second wave. Women organized to demand their legal and moral birthright as citizens and persons, and this time, the Equal Rights Amendment rather than the right to vote became the central symbol of the struggle.

Finally, organized labor and an increasingly large number of mainstream groups joined the call for the ERA, and politicians reacted to the power of organized women's voices in a way they had not done since the battle for the vote.

The Equal Rights Amendment passed the U.S. Senate and then the House of Representatives, and on March 22, 1972, the proposed 27th Amendment to the Constitution was sent to the states for ratification. But as it had done for every amendment since Prohibition (with the exception of the 19th Amendment), Congress placed a seven-year deadline on the ratification process. This time limit was placed not in the words of the ERA itself, but in the proposing clause.

Like the 19th Amendment before it, the ERA barrelled out of Congress, getting 22 of the necessary 38 state ratifications in the first year. But the pace slowed as opposition began to organize – only eight ratifications in 1973, three in 1974, one in 1975, and none in 1976.

Arguments by ERA opponents such as Phyllis Schlafly, right-wing leader of the Eagle Forum/STOP ERA, played on the same fears that had generated female opposition to woman suffrage. Anti-ERA organizers simplistically claimed that the amendment would deny woman's right to be supported by her husband while she cared for her family, privacy rights would be overturned, women would be sent into combat, and abortion rights and homosexual marriages would be upheld. Opponents surfaced from other traditional sectors as well. States'-rights advocates said the ERA was a federal power grab, and business interests such as the insurance industry opposed a measure that they believed would cost them money. Opposition against women's equal legal status was also organized by such religious groups as the Church of Jesus Christ of Latter-Day Saints (the Mormons).

Pro-ERA advocacy was led by the National Organization for Women (NOW) and ERAmerica, a large coalition of other mainstream organizations. However, in 1977, Indiana became the 35th and so far the last state to ratify the ERA. That year also marked the death of Alice Paul, who, like Elizabeth Cady Stanton and Susan B. Anthony before her, never saw the Constitution amended to include the equality of rights she had worked for all her life.

Hopes for victory continued to dim as other states postponed consideration or defeated ratification bills. Illinois changed its rules to require a three-fifths majority to ratify an amendment, thereby ensuring that their repeated simple majority votes in favor of the ERA did not count. Other states proposed or passed rescission bills, despite legal precedent that states do not have the power to retract a ratification.

As the 1979 deadline approached, some groups, like the League of Women Voters, wanted to retain the eleventh-hour pressure as a political strategy. But many ERA advocates appealed to Congress for an indefinite extension of the time limit, and in July 1978, NOW coordinated a successful march of 100,000 supporters in Washington, DC. Bowing to public pressure, Congress granted an extension until June 30, 1982.

The political tide continued to turn more conservative, however, and in 1980 Ronald Reagan, a former ERA supporter turned opponent, was elected president. Although pro-ERA activities increased with massive lobbying, petitioning, countdown rallies, walkathons, fundraisers, and even the radical suffragist tactics of hunger strikes, White House picketing, and civil disobedience, ERA did not succeed in getting three more state ratifications before the deadline. The country was yet again unwilling to affirm that women's constitutional rights are equal to those of men.

The Equal Rights Amendment was reintroduced in Congress on July 14, 1982 and has been before every session of Congress since that time. In the 105th Congress (1997-1998), it is S.J.Res. 24 (chief sponsor: Sen. Edward Kennedy, MA) and H.J.Res. 66 (chief sponsor: Rep. Carolyn Maloney, NY). For the first time the ERA has been reintroduced into both houses of Congress without a deadline. Success in putting the ERA into the Constitution would require passage by a two-thirds vote of both houses of Congress and ratification by 38 states.

THE THREE-STATE STRATEGY

An alternative strategy for ERA ratification has arisen from the "Madison Amendment," concerning changes in Congressional pay, which was passed by Congress in 1789 and finally ratified in 1992 as the 27th Amendment to the Constitution. The acceptance of an amendment after a 203-year ratification period has led ERA supporters to propose that Congress has the power to maintain the legal viability of ERA's existing 35 state ratifications.

The legal analysis for this strategy is outlined in "The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States," a 1997 article in *William & Mary Journal of Women and the Law*.[4] The rationale is as follows:

- Article V of the Constitution gives Congress the power to propose an amendment and to determine the mode of ratification.
- A 1921 Supreme Court decision (*Dillon v. Gloss*) said that Congress may fix a time limit for ratification, that an amendment is part of the Constitution once ratified by the final state constituting a three-fourths majority, and that ratification should be within a "reasonable" and "sufficiently contemporaneous" time frame with respect to the "necessity" of the amendment.
- A 1939 Supreme Court decision (*Coleman v. Miller*) held that Congress, upon receiving notification of an amendment's ratification by three-fourths of the states, may determine whether the amendment is valid or whether it "has lost its vitality through lapse of time." Congressional acceptance ("promulgation") of an amendment is not required, however, and has occurred only with the 14th and the 27th Amendments.
- Time limits have been imposed on the ratification period only since 1917 (with the 18th Amendment, Prohibition). The 19th Amendment had no time limit. Seven-year time limits were placed in the text of Amendments 20-22, but were moved to the proposing clause of Amendments 23-26. The ERA was passed with a seven-year time limit in the proposing clause, not in the text.
- In 1978, Congress demonstrated its belief that it may alter a time limit in a proposing clause by extending the original ERA ratification deadline from March 1979 to June 1982. A challenge to the extension's constitutionality was dismissed by the Supreme Court as moot after the deadline expired, and no lower-court precedent stands.

- Precedent regarding state rescissions of ratifications indicates that such actions are not valid. In promulgating the 14th Amendment in 1868, Congress listed as ratifying states both states which had rescinded their ratifications and states which had first rejected and then ratified the amendment.

Thus, under the principles of *Dillon* and *Coleman*, and considering that Congress voted to extend the ERA time limit and to accept the Madison Amendment's 203-year ratification period as "sufficiently contemporaneous," it is likely that Congress could choose to legislatively adjust or repeal the time limit constraint on the ERA, determine whether or not state ratifications after the expiration of a time limit in a proposing clause are valid, and promulgate the ERA after the 38th state ratifies. H.Res. 26 (chief sponsor: Rep. Robert Andrews, NJ) in the 105th Congress promotes this strategy by stipulating that the House of Representatives shall take any necessary legislative action to verify ERA's ratification when an additional three states ratify.

The Congressional Research Service analyzed this legal argument in 1996[3] and concluded that acceptance of the Madison Amendment does in fact have implications for the premise that ratification of the ERA by three more states could allow Congress to declare ratification accomplished.

Despite Supreme Court rulings requiring a "sufficiently contemporaneous" time limit, the CRS analysis concludes that "Congress' acceptance of the ratification of the 27th Amendment ... appears to have disproved the assumption that, absent a deadline, an amendment ceases to be eligible to be ratified merely because of the passage of time." The three-state strategy expands on this concept to propose that amendments whose time limit is not in the text, such as the ERA, likewise remain valid for ratification indefinitely. While ERA opponents might argue that ratifications in 1996 or later could not be counted as contemporaneous with those from 1972–1982, the CRS report notes that "the acceptance of the Congressional Pay Amendment makes this argument much more difficult."

Congress has already shown that it claims authority to alter time limits in resolving clauses by extending the original ERA deadline from 1979 to 1982. In light of that action, the CRS memorandum poses a key question: "Does this mean this (or another) Congress has the authority to recognize state ratifications of the ERA that may be received in the future, even though the deadlines have passed?"

The report, while taking no position, discusses three possible alternatives for a three-state strategy. (1) ERA proponents could ask Congress to pass a new ratification deadline, thereby reviving the process that has already produced 35 of the necessary 38 state ratifications. (2) Through the approach of H.Res.[26], Congress could be requested to "take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution" if three additional states vote to ratify. (3) Proponents could pursue the legal argument of "Why the ERA Remains Legally Viable and Properly Before the States," which claims that because future Congresses can extend ratification deadlines in resolving clauses, those deadlines constitute no absolute closure on the process, and the ERA remains open to ratification by the states.

The proposition that one Congress cannot bind a future Congress by means of a rule or law offers both possibilities and difficulties for the three-state strategy. While a deadline might be able to be extended or eliminated by a future Congress, the commitment of H.Res.[26] to affirm ratification after three more states ratify could also be ignored by a future Congress.

The CRS report sketches a possible scenario if three more states ratify the ERA. The U.S. Archivist, who maintains records regarding amendment ratifications, would likely file the new state ratification documents with the prior ones rather than rejecting them, but would probably not certify the amendment by a proclamation after the 38th state approval, as long as existing instructions from Congress indicate that the ratification deadline has expired. Further action would likely be required from Congress prior to or at that time in order to recognize the ERA as part of the Constitution. This CRS analysis supports in general the premise of the three-state strategy:

- The ratification process of the Equal Rights Amendment might remain open because the time limit is in the resolving clause rather than in the text of the amendment.
- Ratification of the ERA over three decades can be considered sufficiently contemporaneous, since the 203-year time period for the 27th Amendment was considered so.
- ERA's existing 35 state ratifications remain potentially viable if three more states ratify.
- Congress retains authority to declare the ERA ratification process valid after the 38th state ratifies.

Political action based on this three-state strategy is underway, and ratification bills have been introduced in four states as of mid-1998. In Mississippi, an ERA ratification bill was voted out of committee in 1995 with backing from Business and Professional Women's Clubs (BPW) but was referred back to committee as a result of opposition from the Farm Bureau. In Illinois, an ratification bill was voted out of a House committee in May 1997 and is positioned to be brought up for floor action before the end of the current session in late 1998. In Virginia, ratification bills have been introduced in several successive sessions. In 1997, the bill was kept from the floor by a 5-5 committee vote, and in 1998, after an expansion of the committee, it lost by a 6-9 margin. It will be reintroduced in January 1999.

In the most recent action inspired by the three-state strategy, a ratification bill was voted out of the Critical Issues Committee of the Missouri House of Representatives by a 17-2 margin on April 27, 1998. Missouri Governor Mel Carnahan sent a letter of support saying, "Whether HJR 41 is an official step toward ratification or a symbolic act to demonstrate Missouri's commitment to equal rights for women, it is important ... to make this state's position on ratification of the Equal Rights Amendment clear." The bill was introduced on the House floor on May 14. However, Missouri Right to Life lobbied against ratification, and anti-choice legislators threatened to delay the scheduled May 15 end of the legislative session with a filibuster. As a result, debate on the amendment was interrupted by a parliamentary move to consider a resolution honoring retiring ERA sponsor Representative Sue Shear for her service to the state, and no floor vote was taken. ERA supporters will seek reintroduction of the ratification bill in the next legislative session, following the November election.

The ERA Summit, an all-volunteer coalition that has worked since 1991 for ratification of the ERA, supports both the reintroduced bills in Congress and the three-state strategy which it has developed and promoted since 1992. It recognizes that both of these approaches, as well as such initiatives as the broadly worded Constitutional Equality Amendment proposed by NOW and the concept of an equality statute discussed by the Feminist Majority, are alternative strategies to achieve a common goal – the completion of the unfinished business of the Constitution through affirmation of the equal rights of women and men under the law.

In her remarks as she introduced the Equal Rights Amendment in Seneca Falls in 1923, Alice Paul sounded a call that has great poignancy and significance 75 years later: "If we keep on this way they will be celebrating the 150th anniversary of the 1848 Convention without being much further advanced in equal rights than we are. We have much the same feeling now that we had in the beginning of the suffrage movement, that many groups were working in many states, all for different measures, with much waste of effort. If we had not concentrated on the Federal Amendment we should be working today for suffrage.... We shall not be safe until the principle of equal rights is written into the framework of our government."

ENDNOTES

1 Letter, March 31, 1776 (in Alice S. Rossi, *The Feminist Papers: From Adams to de Beauvoir*, New York: Columbia University Press, 1973)

2 Letter, April 14, 1776 (*ibid.*)

3 Carol Lynn Yellin, "Countdown in Tennessee,

1920," *American Heritage* (December 1978).

4 Allison Held, Sheryl L. Herndon, and Danielle M. Stager, "The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States," *William & Mary Journal of Women and the Law* (Vol. 3, Issue 1, Spring 1997), 113-136.

5 David C. Huckabee, "Equal Rights Amendment Ratification Issues," Memorandum, March 18, 1996 (Congressional Research Service, Library of Congress, Washington, DC).

THE GENDER GAP IN TURNOUT AND PREFERENCE IN 1996: STRATEGIC IMPLICATIONS FOR THE POLITICAL EMPOWERMENT OF WOMEN

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INTERPRETING THE 1996 ELECTION

1996 is the fifth presidential election in which the gender gap has appeared. We can now begin to interpret the gender gap overtime, rather than as a phenomenon existing only in the statistical matrices of pollsters and defined solely by the vagaries of a specific election. The advent of the gender gap among all categories of voters in 1980 was significant because 1980 also marked the first election in which the turnout of women equaled or exceeded that of men. Since the gender gap is smaller than that gaps found between other demographic categories, some analysts originally viewed the gender gap as of only transitory significance.

Analysts have produced divergent interpretations of the 1996 election. Men voted for Bob Dole by a margin of 44 to 43 percent, while women favored Bill Clinton by a lopsided margin of 54 to 38 percent. Noting that the 1996 election produced the largest gender gap since 1980, many leaders of the women's movement have proclaimed a victory at the "gender gap" (or "gender gulf") — an interpretation which stresses empowerment of all women. By contrast, Clinton's 1992 (Stan Greenberg) and 1996 Mark Penn) Democratic pollsters focus on different groups of women — a strategy of gender segmentation. Greenberg stresses the clout of "downscale" voters — particularly labor, the working class and minorities; while Penn says it was "upscale" voters, particularly white suburban women (the "Soccer Moms"), who elected Clinton.

The types of voters who voted for Bill Clinton were indeed dramatically different from those who voted for the Republican Congress. According to Voter News Service (VNS) exit polls, the Clinton coalition was majority female; about one in four was either black or Latino, and nearly one in three was a white Catholic. About two-thirds of Clinton voters earned less than $50,000, and a majority believe in activist government. By contrast, a majority of the Republican congressional voters were male, white, and conservative. More than two in five Republican voters earned more than $50,000, and a majority believes that government should do less.

The 1996 election is also notable because the majority of Americans did NOT vote in 1996, with a decline in every state in the nation. Despite an increase in voter registration of an estimated 5 million new registrants, total voter turnout dropped by over 8 million voters. While those who did show up to vote were split by race and gender, the decline in voter turnout also diverged by race and gender. The majority of women — particularly white women — stayed home. Using the VNS proportion of voters who were women and the final count of votes provided by the Federal Election Commission, the actual number of women dropped to 88% of those who voted in 1992. By contrast, male turnout only declined slightly — to 96% of 1992 levels. Turnout of white women dropped to 82% of 1992 levels, while turnout of black women declined to only 92% of 1992 levels. Turnout increased among black men, with an estimated 1.6 million more African American men voting in 1996 compared to 1992.

This drop in women's turnout is noteworthy for two reasons. First, it occurred despite the unprecedented activity of several citizen groups, including organized labor, and a number of different women's organizations, including the nonpartisan Women's Vote Project, the National Federation of Republican Women, and Emily's List, and the nonpartisan African American Women's Voter Crusade supported by the National Political Congress of Black Women. Second, it follows a similar drop in turnout among women in 1994. While turnout in 1994 increased to 38.7% in 1994 from 36.5% in 1990, women's turnout declined to 51% of the active voter pool. This is below women's share in the eligible electorate (52.1%): women's turnout dropped to 37.0% while men's turnout increased to 39.2%. This now two-election cycle of increasing decline in women's turnout suggests a trend of electoral demobilization which undermines women's empowerment despite the growing gender gulf.

POLITICAL SIGNIFICANCE OF THE GENDER GAP

The advent of the gender gap in 1980 surprised most election observers. First unearthed in exit polls by Eleanor Smeal following the defeat of Jimmy Carter, the gender gap was initially disputed by many as not significant. Some thought that the gender gap was specific to Ronald Reagan and would disappear after Reagan left office. Others, like political scientists Keith Pool and L. Harmon Zeigler argued that the gender gap just represents "simply one more illustration of the difference between leaders and followers...[in fact] Contrary to what leaders of the feminist movement might have us believe, not all women share common interests or commitments." Even in 1996, the gender gap continues to be disputed and re-interpreted. The 1997 American Political Science Association Annual Meeting included several papers presented by experts in voting behavior who argued that the gender gap had little to do with women, instead reflecting the movement of men toward the Republican Party.

Both parties continue to view the gender gap as principally a public relations matter. During the 1996 Republican Convention, former Rep. Barbara Vucanovich (R-NV) argued that Republican women leaders should be made more visible — an approach followed by nominee Bob Dole in selecting then Rep. Susan Molinari (R-NY) as the Keynote Speaker.

NATIONAL ELECTORATE, 1992 - 1996

	1996 Size of Total Electorate: 96,274,564			1992 Size of Total Electorate: 104,428,377			1996-1992 Drop-off Voters
	Share of Total	Est. Vote Total	1996 Est. Turnout Rate	Share of Total	Est. Vote Total	1992 Est. Turnout Rate	1996 as a % of 1992
Black Women	5%	4813728	39%	5%	5221419	45.0%	0.92
White Women	43%	41398063	48%	46%	48037053	58.6%	0.86
Black Men	5%	4813728	46%	3%	3132851	33.2%	1.54
White Men	40%	38509826	48%	40%	41771351	55.0%	0.92
NATIONAL	**100%**	**96,274,564**	**48.9%**	**100%**	**104,428,377**	**55.2%**	**.93**
Men	48%	46,211,791	49.0%	46%	48,037,053	53.0%	.96
Women	52%	50,062,773	49.0%	54%	56,391324	57.3%	89

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Others influential Republican women like Sen. Kay Bailey Hutchinson and the National Federation of Republican Women (NFRW) President Marilyn Thayer emphasized getting out the Republican record on women. Thayer, for example, argued that women were simply misinformed, saying that "When people learn just how twisted Bill Clinton's record on women really is, then whatever gender gap exists will disappear faster than Whitewater documents at the White House." Similarly, Democratic consultants Celinda Lake and Nikki Heidepriem have argued that any candidate — Democrat or Republican — can target women voters successfully merely by using polling and paying "special attention to the shape and content of your message, the identity of your messenger, and your means of communication... [because] "women and men do not have separate policy agendas, but often think about the same issues in different ways."

The paradox of the gender gap is that it appeared as women began to live lives seemingly more like those of men — attending college and entering the workforce. In the 1950s, women tended to be 3 to 5 points more Republican. This had been largely dismissed as a temporary artifact of many's women's separate lives as full-time homemakers. As more women worked, analysts predicted, the views of women would converge with those of men. That this did not happen has confounded pundits.

The gender gap is a public opinion phenomena distinct from other "gaps.

- The magnitude of the gender gap varies widely by race, and it is always larger at the beginning of the campaign than it is on election day. The gender gap ranges from 0% to 15% or more by election day, depending upon the election, the candidates, and the issues involved. In large part, however, this is because women are more undecided early in the campaign, thus magnifying perceptions that the gender gap is only a matter of image. In fact, as research on the evolving public opinion on sexual harassment issues shows, women are more likely than men to develop their views through extended interpersonal conversations.
- It is found in every demographic group, yet the gender gap is generally smaller than "gaps" found in other demographic categories, such as race, marital status, generation and others. Notably, not all women vote the same. It is interesting, however, that the gender gap appeared first among African American women — as early as 1972 according to *New York Times* and *CBS News* exit polls. Compared to white women, African American women have had a higher workforce participation rate, even among married women. It is not surprising that the gender gap appeared first among African Americans. In 1960, 48% of black women worked compared to only 37% of white women. But the gap has continued to narrow, so that by 1985, 54% of white women worked compared to 57% of black women.
- It is different at elite (leader and activist) and mass (or citizen/voter) levels. Among activists and leaders who are more partisan than voters at large, the gender gap appears more on feminist issues like abortion, the Equal Rights Amendment and affirmative action — *a feminist gender gap*. Among the potential electorate, the gender gap appears more on policy issues like war and peace, the environment, and social welfare issues — *a policy gender gap*.
- It did not develop out of the organized women's movement, yet it remains led by women because it did develop out of the same sources which gave rise to the women's movement. Women's life experiences at both elite and mass levels have radically altered since the 1950s: women are increasingly responsible for their own economic well-being while continuing to earn substantially less than men. The sequential appearance of the gender gap among first black, then white women, is related to the rapid — and sequential rise in female-headed households in both communities.

These facets of the gender gap increase the potential for misinterpretation, and in turn provides an opportunity for strategic exploitation by those seeking to harvest women's votes without responding to women's issues. Unfortunately, this means that women — while organized — via the gender gap provide the makings of a pollsters dream "target group." The value-added of polling data to campaign strategy is to enable candidates and other observers to examine the opinions of individuals whose views are not organized or mobilized by political groups. For this reason, pollsters do not market themselves as the ones best able to target the views of, say, teachers, or the perspectives of business — groups well represented by their own lobbyists and leaders. Instead, pollsters specialize in identifying groups of individuals who are not organized in concrete groups. In previous years, these concepts have included "baby boomers," "yuppies," "bright collar voters," "new collar voters," and "non-college educated workers." While these groups have proven to be of transitory political value, the gender gap remains a durable and growing factor in electoral politics. If it is women who elected Bill Clinton, the key question — at least in terms of democratic accountability — becomes *which* women did the electing.

SOCCER MOMS, RACE, AND THE GENDER GAP IN 1996

The group cited by most election pundits (as well as Mark Penn) as key to Clinton's victory were "Soccer Moms" — an appellation which stresses the "white" gender gap. The *New York Times*, typical of most election analyses, dismissed the black gender gap as incidental in saying that "gender gap persists *even among black voters*, who supported Mr. Clinton very strongly over all" (emphasis added). Even Democratic women's organizations like Emily's List have viewed the gender gap among minority women as comprising the Democratic Base. According to a Special Convention Report released at the Democratic convention, Emily's List compared target audiences among women by their level of Democratic support.

If all votes count the same, why is the gender gap among black voters — even if black voters are proportionately more Democratic — less significant in magnitude than the gender gap among white voters? Are "Soccer Moms" the key voter group? An analysis of the exit polls yields the conclusion "No" on several counts.

First, the irony of the Soccer Mom label is that demographically, soccer participants are the antithesis of the gender gap which normally favors Democrats over Republicans. According to the Soccer Industry Council of America, soccer participants are predominantly white, suburban, middle and upper income families. 44% of frequent soccer participants have household incomes of $50,000 or more — compared to say, bowlers, only about a third of whose incomes exceed $50,000, and slightly more than one-quarter of the U.S. population.

Soccer participants are decidedly upscale even compared to voters. In 1992, when voter turnout was up, exit poll data from Voter News Service (VNS) finds that only 33% of voters had incomes above $50,000. In both 1994 and 1996 when vote turnout dropped, 39% of voters had incomes exceeding $50,000 — still substantially less than the typical soccer player.

Second, VNS exit poll data shows that Clinton's support was less among the core demographic categories of soccer participants. Among those voting, Clinton's lead over Bob Dole was so commanding that even groups with limited Democratic leanings seem supportive. Thus, in 1996 Bill Clinton garnered the support of a majority of suburban women (53%) and a plurality of both married (48%) and white women (48%).

But a far greater level of Clinton's support came from black women (89%), Democratic women (85%) and unmarried women (62%).

To put "Soccer Moms" in context, consider the 1994 election which gave majority control of Congress to the Republicans. According to VNS exit polls, a majority of both married (52%) and white (55%) women as well as those voters earning $30,000 and over voted Republican.

To say that "Soccer Moms" elected Bill

Clinton is to deny any policy differences between the two major political parties, and to minimize the real significance of the growing gender gap. The drop in overall turnout has considerable significance on the Clinton coalition and the Clinton mandate. While Bill Clinton garnered 49% of the vote, the sharp decline in voter turnout from 55% in 1992 to 49% in 1996 means that Clinton's share of the eligible electorate remains approximately the same. Clinton earned about 24% of the votes of the entire voting age population in both 1992 and 1996. The low proportion that Bill Clinton received in terms of the eligible electorate suggests that Bill Clinton does not have a broad mandate based on the 1996 campaign, nor does it suggest a broad majority (or near majority) endorsement of his first term.

REINTERPRETING THE GENDER GAP

Feminist scholars and those who interpret the gender gap might do well to reassess the usefulness of the concept of the gender gap.

	[Democratic]	[Democratic]
	Gender	Gender
YEAR	GAP	GAIN
1996	11	7
1992	4	-4
1988	8	1
1984	7	2
1980	9	9
1976	0	1

Because the gender gap focuses on the specifics of one election and the composition of the active voter pool, *it does not assess the gain in Democratic support from one election to the next.* That is, by how many points do women move — on average — *more Democratic* in their preference from one election to the next?

Among the total national electorate, the Gender Gain is in 1996 was 7 points. This is calculated by subtracting the average increase of men's Democratic support — 2 points — from the same figure for women — 9 points (women moved 9 points more Democratic — from 45 % Democratic in 1992 to 54% Democratic in 1996, while men moved only from 41% in 1992 to 43% in 1996).

The two measures show quite divergent trends when the relative turnout of men and women changes. In 1980, when women's turnout just began to surpass that of men's, the gender gain was large as was the gender gap — 9 points. From 1984 to 1988, with women's turnout increasing relative to that of men, the gender gain was much smaller — only 1 point gain among women. While turnout of women continued to increase in 1992, the gender gain was negative. The trend was different in 1992 primarily because of the impact of Ross Perot. From 1988 to 1992, it was men who became relatively more Democratic (the gender gain was -4). For women in the active voting pool, the support for Perot came from the Democratic voting pool as well as the Republican voting pool, while among men, Perot's support came more from the Republican voting pool. In 1996, with the turnout of women dropping, the Democratic presidential gender gain was large: women voters moved more Democratic by 7 points more than men did.

This seems counterintuitive. However, what is critical are the different factors which motivate turnout and partisan vote among voters. Because those voters who are most likely to vote regardless of the appeals in any one election are also those who tend to be more partisan, the Gender Gap is just as high when turnout is markedly lower among women *and* when turnout is markedly higher relative to men. When women's turnout is extremely depressed, the partisan mix changes because historically Republicans are more likely to vote (all other things being equal) than Democrats. Thus, an extremely low turnout for women results in a female electorate not only more partisan, but one that is more Republican-leaning as well.

By contrast, the Gender Gain is consistently larger the more women's turnout is lower relative to men. The greater magnitude of women's support for the Democratic candidate is strongest when the more partisan women voters become a larger share of the active voting pool.

This is the missing face of the now highly politicized gender gap — the issue is not just how different men and women are in any one election, it is the relative growth of support toward the Democratic candidate over time.

GENDER SEGMENTATION AND VOTER TURNOUT

In 1996, both parties followed a strategy of appealing to subsets of women who were more supportive of their agenda —gender segmentation. Republican strategists have segmented the women's vote since Richard Wirthlin pioneered the use of polling data to segment the women's vote as the centerpeice of Reagan's 1984 re-election strategy. Wirthlin subdivided women into 64 separate categories, later reduced to a typology of 8 different types of women. Because the Republican Party has allied itself with the Christian Coalition, thus alienating many pro-choice Republican women, gender segmentation has proven a viable strategy for minimizing the gender gap. Because abortion does not drive the gender gap, Republican strategists have been able to successfully target their appeals to specific subsets of Republican-inclined women, while expanding their support among men. Until 1992, this was a winning Republican presidential strategy.

Gender segmentation is new to the Democrat Party. In 1996, Bill Clinton used gender segmentation to appeal to "Soccer Moms." This is a group which normally votes Republican, and in fact, did so in 1994 and again in 1996 in their congressional vote. Clinton was able to increase his share of the women's vote (the Gender Gain) in the 1996 voting pool, even as his share of the total eligible electorate remained about the same (24% in both 1992 and 1996).

Feminist issues, like choice, which have polarized the parties makes gender particularly susceptible to this type of strategic segmentation. No voter, including women, makes their vote choice based on only one element of their socio-economic and demographic status or their political attitudes. When Democratic presidential candidates can target their own strongly partisan women supporters based on their views on feminist issues while simultaneously making a cross-over appeal to potential partisan opponents based on economic issues, activist women voters are segmented with a cross-partisan strategy.

Appealing to the more economically secure has been a consistent and conscious strategy recommended by the Democratic Leadership Council (DLC) since 1988. The DLC, which claims, in addition to President Clinton, Vice President Gore and House Minority Leader Dick Gephardt as DLC leaders, has argued that no Democratic presidential candidate can win without appealing to the middle. In particular, in strategy memos released to the press, the DLC has targeted African Americans and labor as groups that should be downplayed in Democratic strategies. This is consistent with the DLC emphasis on business and economic recovery. Since 1988, Democratic presidential strategists have learned that by segmenting the Democratic constituency, they can wage a winning campaign by relying on the retention of strong partisans (feminists, labor, blacks) who vote for the lesser of two evils, even while they make their primary policy appeals to constituencies normally won by the opposing party.

The clear strategic implications are that a Democratic presidential candidate can actually gain in Democratic support among women by targeting their campaign toward subsets of women who are already inclined toward high turnout. By targeting strongly Democratic women, and by also making an appeal to high turn-out women who are inclined toward the Republican Party ("Soccer Moms"), a Democratic Presidential candidate can win electorally. However, this strategy rests upon depressed turnout, which may impact differentially in congressional races. One of the risks of gender segmentation is divided government, and increased partisan stalemates, where no party commands a clear majority. Yet, so long as the Republican Party as a party remains committed to pro-life and opposed to affirmative action, Republican candidates will continue to find gender segmentation an attractive strategy for both presidential and congressional candidates.

These results indicate that strategically, a Democratic presidential candidate can actually gain in support among women *with* a reduced women's vote and reduced turnout among women. Whether this was a conscious Democratic strategy is irrelevant, this is indeed what happened in 1996. Future Democratic presidential candidates will likely not be unaware of the implications for their campaigns. While Republican candidates are unlikely to abandon gender segmentation without moving away from the Christian Coalition, Democratic strategists have more options. The choice for Democrats is whether to go for a victory based upon a limited and more predictable women's outreach to specific segments of women, or to take the risk of expanding women's turnout — a strategy which will require incorporating a broader range of issues.

The larger democratic issue is the potential impact of the continued electoral demobilization of women. First, segmenting women ignores those voter groups which comprise the heart of the growing gender gap — single women who head households when, in fact, the gender gap has historically been larger among singles than among married individuals, with single women providing one of the largest core Democratic support groups — 62% of whom voted Democratic in 1996. In 1992, with an overall gender gap of 4 points, the gender gap between single men and single women was 5 points, while only 3 points separated married men and women. In 1996, the singles gender gap was 13 points, while the married gender gap was only 8 points (with an 11 point overall gender gap).

Second, the drop in women's turnout is significant. From 1980 to 1994, women increased the participation in the electoral process. In the past two successive elections, women's voter turnout has dropped and their participation in the active voter pool has shrunk. When the majority of all voters do not vote, the voices of a majority of women are not only blackballed from politics, the voices of those women remaining in the active voter pool are stilled as well. There is a critical parallel to the 1890s, when decreased turnout was one factor which permitted government to ignore the views of substantial segments of the electorate. In the South, turnout declined proportionately 18% before suffrage was restricted in the 1890s — and 62% afterwards. From 1992 to 1996, women's turnout declined proportionately 15%. The electoral demobilization of women raises serious questions about the future of the women's movement, and for American democracy when neither of the two parties provide adequate representation of women.

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The analysis reported in this paper is based upon data from the Committee for the Study of the American Electorate, exit poll results conducted by Voter News Service (VNS) as reported in the *New York Times*, Thursday, November 5, 1992, and Sunday, November 10, 1996, the *Washington Post*, Thursday, November 7, 1996, Census Bureau estimates of the voting age population and voter registration for 1992 and 1996 (Current Population Reports, Series P20 and P23), and Federal Election Commission report of presidential election voting results.

The analysts quoted were cited from: Keith Poole and L. Harmon Zeigler, *Women Public Opinion and Politics* (1985, New York: Longman), pp. 54-55; and Celinda Lake and Nikki Heidepriem, "Whatever Happened to the Gender Gap?," *Campaigns and Elections*, 8:37.

THE YEAR OF THE WOMAN, THE ANGRY WHITE MALE, AND THE SOCCER MOM: MEDIA FRAMING OF GENDER IN RECENT ELECTIONS

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ABSTRACT

This paper examines media framing of gender-related phenomena in recent elections with an emphasis on the Soccer Mom frame employed by the media in the 1996 elections. From a feminist perspective the Soccer Mom frame was almost as problematic as the Angry White Male frame employed by the media in 1994. Articles published in major newspapers between July 1 and November 30, 1996, are analyzed to demonstrate how the Soccer Mom frame rendered the vast majority of women voters invisible and shifted the focus away from women to children and families. The paper concludes with a call for feminists to be more proactive in trying to influence how the media frames gender-related phenomena in upcoming elections.

In every recent election the media have adopted a news frame for writing about gender. News frames serve a very useful function for journalists who work under incredible time pressures. A news frame gives journalists a "hook" or a "peg" for their articles or stories; it helps them to decide what to focus on and what to ignore. Frames are also very important because they determine how citizens perceive the larger political world; they affect public perceptions. Media frames lead the electorate to focus on certain aspects of current events while ignoring others (Gitlin 1980, Entman 1991 and 1993, Norris 1997).

In this paper I examine media framing of gender-related phenomena in recent elections with an emphasis on the Soccer Mom frame adopted by the media during the 1996 elections. In 1996 the media devoted considerable attention to women voters, a development which on the surface appeared far preferable to 1994 when journalists focused their attention on the Angry White Male and largely ignored women voters. However, from a feminist perspective, the Soccer Mom frame, which journalists employed in interpreting the significance of women voters in 1996, was nearly as problematic as the Angry White Male frame. Like the Angry White Male frame, the Soccer Mom frame rendered the vast majority of women voters invisible. When viewed through this frame, the diversity among women and the multifaceted nature of their lives disappeared from view. The Soccer Mom frame shifted the focus away from women to children and families, with women present only in their roles as self-sacrificing "moms."

THE YEAR OF THE WOMAN

In 1992 the frame that the media used for writing about women and the elections was, of course, the frame of "The Year of the Woman." Story after story was written about the record number of women running for Congress and the fact that 1992 was a breakthrough year for women candidates. Of course, "The Year of the Woman" was, as all media frames are, a distortion of the complete underlying picture of what happened in that election. While record numbers of women ran for and were elected to Congress, it was hardly a record year for women at all levels of office. For example, only three women ran as general election candidates for governor in 1992 compared to eight in 1990, and none of the women gubernatorial candidates was elected in 1992 while three were elected in 1990 (Center for the American Woman and Politics 1998a). Consequently, 1992 certainly was not "The Year of the Woman" for women running for governor.

Feminist activists and organizations were able to play some role in structuring the frame for the 1992 elections. Of course, feminists certainly did not come up with the name "The Year of the Woman." (Feminists never would have settled for just a year; rather, we would have demanded at least a decade and probably a century.) However, feminist activists did see that record numbers of women were running for Congress and chose to push that story with the media. And for the most part, those of us who were sources for stories about the 1992 elections did little to draw the attention of journalists to the fact that women were faring poorly at the gubernatorial level; we were content to let the media focus on the level of office where the gains for women were most dramatic.

In some respects, the "Year of the Woman" frame benefitted feminists and women's organizations. For example, memberships and contributions to EMILY's List, a major Democratic pro-choice donor network, soared. In the long run, however, "The Year of the Woman" frame proved to be a mixed blessing. One of the major down sides was that women candidates seemed to be old news after 1992, and the media paid very little attention to women candidates in 1994 or 1996. Women candidates were old news and the media went looking for new ways to frame subsequent elections. The fact that there were record high numbers of women running for statewide offices in 1994 and the U.S. House in 1996 (Center for the American Woman and Politics 1998b) went largely unnoticed despite attempts by some feminist organizations to draw the media's attention to these developments.

THE ANGRY WHITE MALE

In 1994 the media largely ignored gender in the weeks leading up to the elections, but then in the aftermath of the election they "discovered" a phenomenon they called the "Angry White Male." A search of the major newspapers classification of the Lexis-Nexis database indicates that the first reference to the Angry White Male was in an article in the *Washington Post* on November 10, 1994:

> *Two years ago, it was the Year of the Woman. This time around, the election may come to be known as the Year of the Man, or the Year of the Angry Man* (Washington Post, *November 10, 1994*).

Throughout the remainder of 1994 and into the spring and summer of 1995, news stories focusing on the Angry White Male spread like wildfire as the print media attempted to find an explanation for the results of the 1994 elections (Norris and Carroll 1997).

The media framing of 1994 as "The Year of the Angry White Male" seems to have been based on a single finding from a question asked in exit polls conducted on the day of the election. One of questions that pollsters ask voters as they are leaving the polls is for whom they just voted in the congressional race in their district—the Republican candidate or the Democratic candidate. In response to this question, the pollsters found that women were about equally as likely to have voted for the Republican candidate for Congress in 1994 as they had been in 1992 and 1990; in other words, women voted about the same in 1994 as they had in the two previous elections. In contrast, men voted much more heavily Republican in 1994 than in the past two elections (Norris and Carroll 1997, Table 1). Since the electorate seemed disgruntled and elected a Republican Congress for the first time in several decades, journalists assumed that the results must be attributable to angry white men who flocked to the polls, abandoned the Democrats, and elected Republicans. This was despite the fact that when polls directly asked voters if they were angry, only a small proportion of voters—men or women—said they were.

Clearly, media emphasis on the Angry White Male in the aftermath of the 1994 elections was disadvantageous for women. Women were largely invisible in media coverage of the 1994 elections both as voters and as candidates.

THE SOCCER MOM

In 1996 the media rediscovered the gender gap. Women candidates and angry white men were by then old news. Searching for a new gender-related storyline, journalists turned their attention to women voters, stimulated in large part by poll results suggesting that the gender gap in preferences for the presidential candidates was larger than it had been in previous elections. Just as they had "discovered" the Angry White Male in 1994, in 1996 they "discovered" the Soccer Mom. Some journalists, including columnist Ellen Goodman (*Home News & Tribune*, November 10, 1996) and National Public Radio's Susan Stamberg (National Public Radio, 1996), even went so far as to label 1996 "The Year of the Soccer Mom." In fact, soccer moms received so much attention during the election that the American Dialect Society voted the term "soccer mom" Word of the Year for 1996 (*Washington Post*, January 12, 1998). Similarly, an Associated Press article written in early 1997 named Soccer Moms along with the Macarena, Bob Dole, and Rules Girls as the four phenomena which will be forever associated with the year 1996 (*Associated Press*, December 30, 1996).

My research on the Soccer Mom frame, completed with the assistance of a Goldsmith Research Award from the Joan Shorenstein Center on the Press, Politics and Public Policy at Harvard University's Kennedy School of Government, is based on an examination of 211 articles published in 55 different major newspapers between July 1 and November 30, 1996. These articles were identified through a Lexis-Nexis search of the major newspapers classification, focusing on the key words "soccer moms" and "elections."

The first reference to soccer moms in the context of the 1996 elections appeared in an article in the *Washington Post* in July. The article, written by E.J. Dionne, Jr., quotes Alex Castellanos, a senior media advisor to Bob Dole, suggesting that Bill Clinton, following the advice of his pollster, Dick Morris, was targeting a voter whom Castellanos called the "soccer mom," defined in this article as "the overburdened middle income working mother who ferries her kids from soccer practice to scouts to school" (*Washington Post*, July 21, 1996).

Media interest in soccer moms picked up as the election approached. The number of articles on soccer moms in major newspapers increased from one in July to 12 in August and September to 198 in October and November. In large part, the intense media interest in soccer moms stemmed from the fact that they had become, at least in the eyes of the media, the most sought after group of swing voters in the 1996 elections. Journalists noted repeatedly that soccer moms, who had tended to vote for Republicans in previous elections, leaned toward Clinton in 1996. According to media reports, if Dole were to have any chance of winning the election, he simply had to win back the soccer moms.

Defining the Soccer Mom and Erasing Other Subgroups of Women

The above quote by Alex Castellanos which appeared in the July *Washington Post* article makes clear that the Soccer Mom, at least in her political manifestation, was the creation of consultants involved in the presidential campaigns. Yet, very few articles among those I examined pointed to the E.J. Dionne article or to the campaigns and political consultants in explaining the origins of the Soccer Mom.

By far the more popular explanation for the origins of the term "soccer mom" focused on Denver City Councilwoman Susan Casey, who ran for office in 1995 with the slogan, "A Soccer Mom for City Council." She called herself a soccer mom, she said, because "That was my life" (*Rocky Mountain News*, October 30, 1996). Casey explained, "I've been a teacher, I have a Ph.D., I've managed national presidential campaigns, but when I wake up in the morning and when I go to bed at night, my heart and soul are in my family" (*Boston Herald*, October 24, 1996).

The repeated telling and retelling of the Casey story by journalists suggested that soccer moms were a "real" identity group in American society and not merely a name given by political consultants to a particular combination of demographic variables. In Susan Casey reporters had a woman who was willing to embrace the term Soccer Mom and to identify herself as such, and Susan Casey's labeling of herself as a Soccer Mom gave legitimacy to journalists' use of the label.

At first, the media focus on soccer moms seemed to offer the possibility that the media would move on to examine other specific subgroups of women voters and their interests in the election, thereby presenting a more complicated and realistic portrayal of women voters than had been offered in coverage of previous elections. However, this possibility was never realized. Instead, the media became fixated on soccer moms to the near-exclusion of serious discussion of other women voters and their concerns. For example, in 80.1 percent of the newspaper articles I examined, no other subgroup of women was mentioned even superficially. In the overwhelming majority of the articles on soccer moms, then, other subgroups of women were simply invisible.

The Soccer Mom herself was defined in many different ways ranging from very simple descriptions such as "married women with children" (*Baltimore Sun*, November 29, 1996) or "Married, white, suburban women" (*Newsday*, October 31, 1996) to far more elaborate descriptions such as that provided by William Safire in the *New York Times Magazine*:

> *She often drives a sports-utility vehicle or a minivan, carries snacks and orange juice for the kids, sometimes takes along extra lawn chairs. She can be a full-time homemaker or can also work outside the home… soccer moms are not exclusively working class—many are upper-middle-class suburbanites… [The soccer mom is] in her 30's, harried, family-oriented, carpool-pallored, ethnically diverse, with her vote up for grabs. And as the soccer mom goes, so goes the election, if she's not too tired to get to the polls* (New York Times, *October 27, 1996*).

While there clearly was no agreed upon definition of the Soccer Mom, some attributes were mentioned more frequently in press coverage than were others. Not surprisingly, motherhood was the most frequently mentioned attribute of the Soccer Mom. More than half (58.8 percent) of the newspaper articles I examined made explicit reference to what was implicit in the name Soccer Mom itself – that the Soccer Mom was a mother or a woman who had children. The next most frequently mentioned characteristics, in order, were: lives in the suburbs (41.2 percent of the articles); is a swing voter (30.8 percent); is busy, harried, stressed out, or overburdened (28.4 percent); works outside the home (24.6 percent); drives a minivan, station wagon (usually Volvo), or sports-utility vehicle (20.9 percent); is middle-class (17.1 percent); is married (13.7 percent); and is white (13.3 percent).

Despite the repeated reference to these characteristics, the boundaries around the definition of the Soccer Mom were fluid and constantly shifting. She was often described in contradictory ways. For example, while the Soccer Mom was often portrayed as 30-something, some journalists included women in their 20s while others included women in their 40s and even 50s. While most saw her as middle-class, some described her as affluent; others included working class women in the category soccer moms. According to some media accounts, only women who worked outside the home could be soccer moms. In other accounts homemakers were also included, and in a few descriptions soccer moms were limited to the ranks of career women and professionals. Taken as a whole, the media clearly provided a "big tent" conception of the Soccer Mom. Many women, perhaps even most, could fit into one description or another.

The plasticity of the category Soccer Mom and the inclusion of women with so many different characteristics only served to further the erasure of various subgroups of women in the 1996 elections. The category seemed to be large and ambiguous enough to include women of varying races and ethnicities, women from different social classes, and women who were not married (and perhaps not even heterosexual). Because enough women of varying characteristics were able to fit into one or another of the many different definitions that were employed, it was not clear which or how many women were excluded. If a more fixed and restrictive definition of the Soccer Mom had been used repeated and consistently, it would have been much more obvious how many and which types of women were being left out.

The Soccer Mom Comes to Represent All Women Voters and Women are Erased

Various subgroups of women were not the only ones who were erased from view in the 1996 elections through the media's excessive focus on the Soccer Mom. In what may appear initially to be a paradoxical statement, the excessive focus on the Soccer Mom, a clearly gendered construct, ultimately led to the erasure of "women" as a collectivity which possessed agency or interests in the 1996 elections. The Soccer Mom became the symbolic representation of women voters; the interests of the Soccer Mom came to represent the interests of all women voters.

The erasure of women voters that occurred as a result of the Soccer Mom frame is perhaps best illustrated by examining the issue-based attempts by presidential candidates to appeal to voters as reported in newspaper articles. There was a near-consensus about the concerns of the Soccer Mom among reporters and the political practitioners whom they quoted. The Soccer Mom's interests focused on her children and her family. She was concerned about her children's futures, their education, and their safety. As Kellyanne Fitzpatrick, a Republican pollster noted, "If you are a soccer mom, the world according to you is seen through the needs of your children" (*New York Times*, October 20, 1996). The Soccer Mom, as portrayed in media reports, fit the stereotype of the self-sacrificing "mom," always placing the needs and interests of her children and family above any personal needs or interests she might have as an individual.

Newspaper articles frequently referred to the issues that candidates discussed in attempting to appeal to the Soccer Mom. Taxes and economic concerns were mentioned in one-eighth of the articles. Most of these references were due to the fact that Bob Dole talked repeatedly about his proposed 15 percent tax cut, which he argued would allow one parent in two-income families (presumably the soccer mom) to stay home with the children.

But most of the other issues mentioned in articles about soccer moms were more often associated with the Clinton campaign. Bill Clinton spoke out in favor of school uniforms and teen curfews, talked about the importance of installing v-chips in televisions, expressed opposition to cigarette advertising aimed at teenagers, took credit for and urged expansion of the Family and Medical Leave Act, and advocated longer hospital stays for childbirth. The articles examined for this analysis often reported on Clinton's attempts to appeal to soccer moms on the basis of these issues.

It is clear that most of the issues emphasized in candidate attempts to appeal to soccer moms had children as their target group—for example, education, v-chips, school uniforms, student financial aid, drug use among young people, smoking among children, and teen curfews. Even those issues that were not so obviously child and family centered often were talked about in a way that connected them to children and families. For example, crime was depicted as an issue that threatens family security, and gun control was viewed as a way to address the crime problem. Similarly, Clinton frequently talked about expanding parental leave so that parents (presumably most often mothers) could take time off from work to attend parent-teacher conferences. Perhaps most interesting are the issues that are absent from the Soccer Mom agenda as defined by the campaigns—for example, abortion, welfare reform, health care for women, sexual harassment, job training for women, pension reform, and child care. Many of the issues that have been most closely associated with organized feminism do not appear among the issues that candidates emphasized in appealing to the Soccer Mom. Similarly, issues that deal with women's status or interests apart from their roles as mothers (for example, workplace issues) are missing.

In short, women seem to have been largely absent from the soccer-mom agenda as defined by the campaigns and reported by the media. For the most part, the focus was not on women, but rather on their children and their families. Women were represented only through their roles as moms.

CONCLUSION

In 1996 we witnessed the largest gender gap ever in a presidential contest. For the first time in history women could legitimately claim that their votes elected the President of the United States. Yet, feminists and many other subgroups of women lost out because women, with their diverse interests and multifaceted lives, were effectively erased, only children, families, and self-sacrificing moms remained.

In the 1996 campaigns the presidential candidates talked about the concerns which seemed to be of interest to "soccer moms." They thereby appeared to be focusing on women voters while simultaneously ignoring voters who might have been politically unpalatable (e.g., women on welfare, women immigrants) or who might have pushed to have their concerns addressed in the campaign or placed on the president's agenda (e.g., feminists, women of color, pro-choice activists, professional women). Middle-class, suburban mothers were not offensive to anyone, and there was no danger that a lobbyist was going to show up on the president's doorstep shortly after the election demanding attention to the issues of concern to soccer moms.

Clinton was re-elected following a campaign in which he espoused policies such as v-chips and school uniforms and bans on cigarette advertising. Feminism was not and is not part of this soccer-mom agenda. In fact, **women** and their interests (except in their roles as moms) seem to be largely absent from the soccer-mom agenda as the campaigns and the media defined it; for the most part, the target groups for this policy agenda are children and families.

Clearly, the frames that the media have utilized in talking about gender in the past three elections, especially the Angry White Male and the Soccer Mom frames, have not been advantageous to feminism or to advancing a feminist agenda. As feminist activists, we need to make sure that what happened in 1994 and 1996 does not happen again in the 1998 and 2000 elections. Since reporters have developed gender-related frames for interpreting each of the past three elections, the probability that the media will develop some frame for writing about gender in 1998 and 2000 is very great. As feminists we need to be not merely reactive, responding to the frame set by someone else, but rather proactive, helping to develop and establish the frame. Our goal should be to insure that the frames which the media adopt in talking about gender in future elections reflect the multiplicity and diversity of women's lives while simultaneously advancing a feminist agenda. In trying to influence how gender is framed in upcoming elections, we need to think not only about what serves women's interests in the 1998 and 2000 election cycles, but also about how the frames which the media adopt will play out in the more distant future and affect our efforts to advance a feminist agenda in the years following 2000.

Of course, influencing how the media frame the elections is a very difficult and delicate task. The last thing the media want is to appear to be manipulated by feminists, so clearly our efforts have to be subtle. Nevertheless, now, in the months before the 1998 election season is in high gear, would seem the ideal time to give serious thought to how we might try to influence the way the media frames gender in the upcoming elections.

If, despite our best efforts, our attempts to be proactive in influencing the way women voters and candidates are portrayed in the media fail, and the media adopt news frames that work against a feminist agenda, we perhaps need to be more consciously resistant to the use of such frames. Instead of accepting media frames, like the Soccer Mom, which portray women according to traditional gender stereotypes, we need to find new, innovative ways to resist, disrupt, and challenge any news frames which work against or undermine our goals as feminists.

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THE GENDER GAP AND THE WOMEN'S MOVEMENT[1]

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ABSTRACT

The "gender gap" is one of the most powerful tools of the modern day women's movement. Identified, named, and publicized by feminist leaders in the context of the fight for Equal Rights Amendment ratification, the gender gap -- the margin of difference between the votes of women and men -- has reshaped American politics. The gender gap has been fueled by issues related to women's rights, health and human services, and violence. At the same time that right-wing attacks are mobilizing the gender gap into a gender gulf, the gender gap is often devalued, distorted, and dismissed by opponents of women's rights and political pundits of both parties. Written by the first political analyst to identify this electoral phenomenon, this paper discusses the gender gap's feminist movement origins, its source issues, its demographic constituencies, and its future as a feminist strategy.

At every turn the Radical Right is challenging women's issues and trying to turn back the clock. The Feminist Majority and our Foundation have been embroiled in the fight to save affirmative action for women and minorities in California and now the nation. For the past ten years, the Feminist Majority Foundation has been on the frontlines defending clinics from extreme anti-abortion violence.

In these fights for women's rights, we have very few tools. The feminist movement has one powerful, peaceful weapon: the gender gap in voting. Now we see even this powerful tool is being devalued, distorted, and dismissed by the right-wing and by political pundits of both parties. Its feminist movement origins are being written out of history. Yet there is a story to be told about the strength of the women's movement and the power of the gender gap. Not for historical purposes, but to empower women to counter these assaults on women's rights and women's lives and to affect the future agenda of the nation.

How sweet it is—finally at the end of the 20th century—women's votes have made the difference in the election of the United States President. If only men voted, Bob Dole would be president today. What the suffragists had envisioned at the turn of the century has now happened at the end of the century. Women are influencing with their votes the agenda of the nation.

Peg Yorkin, Chair of the Board of the Feminist Majority, has repeatedly encouraged me to relate the stories behind some of the major events and happenings of the modern feminist movement so we can better understand their significance. These events did not just happen. They happened because of the struggle for women's equality. With this in mind, I want to start with a personal story about the gender gap's beginnings.

It was 1980, and I was president of the National Organization for Women. For three days and three nights after President Reagan's victory in 1980 I stared at the election results. Looking at those results, we knew we would probably not ratify the Equal Rights Amendment in this century. But I kept trying to find a ray of sunshine. Finally, I saw something that no one else had noticed before: 8% fewer women than men voted for Reagan.

We were so excited by this discovery that we ran a banner headline in the *National NOW Times* which read "Women Vote Differently Than Men: Feminist Voting Bloc Emerges." But many people, especially the political pundits, said, "So what, Reagan still won."

But we in NOW were not to be discouraged. We named this women's voting bloc the "gender gap," and we made it very visible. This gender gap could be the power we needed to win women's equality. Women's voting power was largely invisible before the discovery of the gender gap, and we were never going to allow it to be invisible again. As the dean of American pollsters, Louis Harris, has said, "The power that any group or any combination of voters can get is in direct proportion to the degree to which they are the margin of difference." By the way, Judy Mann of the *Washington Post* was the first member of the media to use the term gender gap, and Harris pioneered gender gap analysis of polling data.

The gender gap—and let us define it here clearly—is the measurable difference in the way women and men vote for candidates and in the way they view political issues. It is the margin of difference between women and men--not the votes of *all* women as compared with *all* men but the margin of difference between the two groups in voting on a particular candidate.

The gender gap is not the difference between how different groups of women vote—but the difference between women and men. In this past election it was widely misreported that the gender gap was 17% -- the difference between the percentage of women voting for Clinton and the percentage of women voting for Dole. But this is not the gender gap. The gender gap -- the difference between the percentages of women and men voting for Clinton -- was actually 11% the largest gender gap in Presidential polling recorded.

Nobody today is disputing the importance of the gender gap, which has in some cases determined the outcome in elections for U.S. Senators, members of Congress, Governors, and now even the President of the United States. But, today, debate continues over the why of the gender gap and the relevance of the gender gap.

The gender gap in voting is based on gender gaps in public issues primarily in three cluster areas: violence, health and human services, and women's rights. Virtually since public opinion polling began, women have registered different opinions from men on a whole host of significant public policy issues.

Since World War II women have been more reluctant to send troops into battle by some 20 percentage points than men. Women have been more opposed to the use of violence in international relations or in domestic disputes, and more concerned with issues of domestic violence and gun control.

In poll after poll, year after year, women have been more concerned about the poor, health care, education, Medicare and Medicaid, welfare, and social security, and women support social spending by the government by about 15 percentage points more than men.

And, in poll after poll, women have supported women's rights, the Equal Rights Amendment, abortion rights, and affirmative action for women and minorities at higher intensity levels than men. Women have been more willing than men to condition their votes on the basis of these women's rights issues by a margin of some 10 points.

The gender gap in voting is fundamentally rooted in the gender gap in attitudes on public issues. And the gender gap is based on life experiences -- yes, on self interest.

Women's rights in particular are always given short shrift as a principal cause of the gender gap. But it is no coincidence that a gender gap in voting on the presidency first emerged in the 1980 election, when the Republican Party platform and its presidential candidate came out against the ERA and legalized abortion. Until the Right Wing became dominant in national Republican politics, equal rights for women and abortion were more or less bipartisan issues. Every president until Reagan, Republican and Democrat alike, had supported the ERA. Both Ford and Carter were for the ERA and legal abortion. Women did not see these issues polarized on party lines until 1980 -- and even then the picture was confusing. There also were many Republicans who supported the ERA and legalized abortion and many Democrats who opposed us on these issues.

But with the emergence of the New Right this all gradually changed. *And what started as a tentative gender gap is becoming institutionalized.* As the Radical Right pushes the Republican Party to oppose abortion rights, affirmative action, and social spending on health care and education, women are going to become more and more alienated from the Republican Party. And more men, by the way, are being pulled away from the Republicans by third party movements. For example, Max Cleland's victory in Georgia resulted from the combination of a third party candidate and a 15-point gender gap.

But political pundits, parties, and candidates of both Democratic and Republican parties are still often not fazed by these facts. Most often they dwell on chasing men's votes. Or, they simply try to explain away the gender gap in terms of marital status, economic status, suburban dweller, soccer moms .... Anything but gender. But the gender gap is about gender. The gender gap cuts across race, education, income, residence, age, and party lines.

ENDNOTES

[1] Originally presented as "From Gender Gap to Gender Gulf: Abortion, Affirmative Action, and the Radical Right" before the National Press Club, February 13, 1997.

EMPLOYMENT & EARNINGS

WOMEN'S BUSINESS OWNERSHIP: A STRATEGY FOR SHATTERING THE GLASS CEILING

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ABSTRACT

Over the past decade, the number of women-owned businesses in the USA has increased at a rate nearly twice that of men. Women owned businesses now employ one in four U.S. company workers and contribute nearly $2.3 trillion to the economy. Catalyst and the National Foundation for Women Business Owners conducted a nationwide survey of 650 women entrepreneurs to determine their motivations for starting their own businesses.

Over half the women in the sample (58%) had previously worked in the private sector. Women business owners are leaving companies because they want more flexibility, have dealt with "glass ceiling" issues or are unchallenged by their jobs. Since attrition of seasoned women professionals is costly to corporations, this paper explores ways in which companies can retain entrepreneurial women.

RESEARCH METHODOLOGY

Catalyst and NFWBO interviewed a nationally-representative, randomly-drawn sample of 800 business owners (650 women, 150 men) by telephone during the month of September, 1997. The sample was stratified to ensure that the employee size distribution of businesses selected would be representative of that of the total population of small businesses. Firms with 500+ employees were over sampled due to the fact that they represent less than one percent of all entrepreneurial ventures. The sampling error for the samples sizes 650 and 150, respectively, are + (+) or (-) 4.0 percent and (+) or (-) 8.2 percent at the 95 percent level of confidence.

WOMEN ENTREPRENEURS: PERSONAL AND PROFESSIONAL CHARACTERISTICS

The median age of women business owners in the study is 49 years old. The majority (81 percent) of respondents had some college education, less than one fifth (19 percent) had attended graduate school. Only seven percent of respondents had earned an MBA degree.

Seventy-three percent (73%) of the women were married, 12 percent divorced/separated, eight percent single and seven percent widowed. The majority of women (82 percent) had children. Forty-six percent had dependent children living at home at the time they were interviewed. The majority of women business owners (78 percent) reported that they work outside of their homes, i.e., they run their businesses from another location. Seventy-four percent (74%) said 50 percent or more of their household income in 1996 was derived from their business. Only 17 percent of the women surveyed reported an annual gross revenue for their business of less than $99,999.

Women come to entrepreneurship from a variety of backgrounds, yet most (58 percent) had private sector work experience. This phenomenon of women entrepreneurs gaining business experiences in corporations before [illegible]ing out on their own was aptly referred to by Moore and Buttner (1997) as the "corporate incubator." One-third (32 percent) of our respondents had worked in a small business (fewer than 100 employees), nine percent for a medium-sized company (100 to 499 employees), and 17 percent had worked for a larger corporation (500 or more employees).

WHY DO WOMEN LEAVE?

The topic of women leaving corporations to start their own businesses is of increasing interest to corporate decision makers. Catalyst's research, as well as that of other organizations, shows that businesses are struggling to hold onto their best and brightest women. When high-potential employees leave their companies, their exodus has an impact on virtually every facet of corporate human resource's management: leadership development and succession planning, productivity, client satisfaction, morale. Thus this paper will focus on the reasons women leave the private sector and what companies can do to retain them.

Respondents were asked to rate their reasons for leaving companies to start their own businesses. The four reasons cited most often were the need for more flexibility, being unhappy with one's work environment, experiencing a glass ceiling and feeling unchallenged by their job. Only five percent (5%) of the women reported that they were downsized and three percent (3%) said they were victims of sexual harassment.

Flexibility

Half of the women who had left the private sector to start their own businesses (51 percent) and 44 percent of women from other employment backgrounds reported that they wanted more flexibility and gave this as a primary reason for leaving their companies.

Women wanted flexibility for the following reasons: child care obligations; to participate in community affairs; for personal health concerns and for elder care and other family obligations. The greatest number - thirty one percent (31%) - gave child care obligations as their reason for leaving the private sector. This is not surprising since four-fifths (82%) of the women in this survey had children. At the time of this survey, half of these parents had dependent children living at home. The following remarks illuminate how several focus group participants thought about flexibility.

> *"I think flexibility with children is one of the main obstacles ... a lot of talented women will go into their own business when they start a family."*
>
> *"The flexibility is there having my own business and having the hours that I want to be there ... my children need me now also."*

Many others mentioned that starting a business requires an enormous time commitment. Thus they were not necessarily seeking reduced hours but rather wanted discretion over the hours they did work.

Newer business owners were significantly more likely to cite flexibility as a motivator than women who had been in business over 20 years (55 percent versus 28 percent). Newer entrepreneurs from companies of 500 or more employees were almost twice as likely to cite flexibility as a reason for leaving than were women who had been entrepreneurs for 20 or more years (49 percent vs. 28 percent).

More and more, American women and men are expecting and receiving work-place flexibility from employers. Catalyst's research on dual-career couples, undertaken in early 1980's and most recently in 1997, shows that women in dual career couples are much more likely today to expect their companies to provide solutions for work/life flexibility than was the case in the 80's when women in dual-career couples assumed it was their personal responsibility to manage work/life responsibilities.

Glass Ceiling

The term "glass ceiling" was coined in 1986 by two *Wall Street Journal* reporters to describe the invisible barrier that blocks women from the most senior positions in corporate America. Catalyst and other researchers have documented the persistence of the glass ceiling in limiting women's career advancement. In this study, we wanted to know if women entrepreneurs were motivated to start a business by experiencing a glass ceiling in their previous careers.

Indeed, nearly one-third (29 percent) of the women previously employed in the private sector did cite the "glass ceiling" as a reason they left their former employers to start their own businesses. Women with non-private sector backgrounds were less likely to say they had experienced a "glass ceiling" (16 percent vs. 29 percent, respectively) and that they were unhappy with the work environment that characterized their former employment situation (17 percent and 28 percent, respectively). In focus groups the women described their experiences:

> *"I worked for a corporation in the area and I just got tired of people coming in, especially male counterparts, who were being promoted above me."*
>
> *"I spent about six years at a Fortune 500 company ...and eventually I topped out in my pay grade and there were always management changes so you were always proving yourself over again to another team and that got pretty old. So the option was to spread my own wings and try it."*

The share of women who are leaving their salaried positions in response to a glass ceiling has more than doubled over the past two entrepreneurial generations. Just 9% of the women who have been in business for 20 or more years state that it was a factor for them when starting their business. That share rose to 15% among women who started their businesses 10 to 19 years ago, and stands at 22% among women who started their businesses within the past 10 years.

Components of the glass ceiling most frequently cited by respondents were failure to recognize their contributions (47 percent) and not being taken seriously (34 percent). Women also described feeling isolated (29%) and seeing others promoted ahead of them (27%). This finding is consistent with Dorothy Moore and E. Holly Buttner's study *Women Entrepreneurs: Moving Beyond the Glass Ceiling*. Nearly one-third (27%) of their sample reported a "desire for increased responsibility and recognition" as a reason for leaving the corporate environment (p. 34, 156). One of our focus group participants remarked:

> *"I think recognition is most important... I did a design that was published and boss was credited because it was his firm. When you have your own firm that doesn't happen."*

Another aspect of the glass ceiling is the work environment. Twenty-eight (28%) of the women formerly employed by the private sector reported that they were not happy or comfortable with the work environment of their previous job. While seventeen percent (17%) of the women from other employment backgrounds felt the same way. In Catalyst's 1996 study *Women in Corporate Leadership: Progress & Prospects*, 35% of the executive women surveyed said an inhospitable corporate culture was a key barrier holding women back from advancing to the highest levels. Clearly the culture is a critical factor that companies have to address in order to retain their most talented women.

Unchallenged

More than one-fifth (22%) of the former private-sector women and 19 percent of women with other employment backgrounds characterized themselves as "unchallenged" in their previous positions. These women did not start businesses as a result of a long time dream; rather they left something behind (such as boredom or frustration with their jobs) or sought something more (such as greater personal and professional growth.) Catalyst believes that if these women were offered challenging assignments, particularly in corporate activities that require entrepreneurial skills such as sales, start-ups, turn-arounds or new business development, they might not have left.

The share of women business owners in the "unchallenged" segment who left the largest private-sector companies has increased significantly over time (28 percent vs. 14 percent for women in business for themselves for 20 or more years). The newer entrepreneurs are twice as likely to cite being "unchallenged" as a reason for leaving, a fact companies cannot afford to ignore. As would be expected, newer entrepreneurs are younger, on average, than women who have owned businesses for twenty years or more.

This trend confirms the findings of Moore and Buttner. They divide the women business owners they interviewed into two groups: intentional entrepreneurs and corporate climbers. The first category are women who always wanted to start businesses but worked for others in order to gain experience. The second are women who intended to have corporate careers but left because of negative factors in their work environment or to take advantage of an unexpected business opportunity (p.66).

We found a similar difference between the motivations of women business owners. For our analysis we characterized women who had a long-time dream to own a business as "born entrepreneurs." This group was 42% of all the women surveyed. The second group are the "unchallenged" women, those who left because they were dissatisfied with their jobs and/or had hit a glass ceiling (43% of all women).

The born entrepreneurs cite "being my own boss" as their most important motivator and what they like best about business ownership. A company probably could not retain these women. But what is important for companies to know is that the survey also shows that among the "unchallenged"women —although many wanted to be their own bosses—this is not one of the top three aspects of business ownership they like most. Instead, these women cite "independence, being in control and setting own hours." Catalyst believes that, had these women been offered flexibility and control over their work, they might have remained with their organizations instead of leaving to form their own.

What Would Attract Women Back to Corporations?

Over half (58 percent) of the formerly private-sector women said that nothing would attract them back to a corporate job. Of those who did offer a reason that they might return, 24 percent reported that more money would be an incentive and 11 percent said they might return for more flexibility. As would be expected, women who have owned businesses for twenty or more years are more likely to say that nothing would attract them back (64 percent); they were also much less interested in flexibility (three percent).

Here are some of the remarks made by women in response to the question about returning to a corporate career:

> *"Sometimes I fantasize what would happen if my business failed. What would I do? Well, there is no way I would go back to working for somebody. I just couldn't do it."*
>
> *Q: "Was there anything your company could have done to keep you?"*
>
> *A: "They could have made me a partner."*

CONCLUSION

Findings from this research should encourage companies to focus on retention of female talent. Women business owners are leaving companies because they want more flexibility, have dealt with glass ceiling issues or are unchallenged by their jobs.

RECOMMENDATIONS

Since only one-third of women business owners would consider returning to a corporate position, it would be more productive for companies to focus on not losing these promising women in the first place. Ensuring that there is parity between male and female professionals' salaries and rewarding women for their contributions, along with providing flexibility in work scheduling and sites, are major components of successful retention strategies.

1. Increase Flexibility.

Women entrepreneurs cite lack of flexibility as one of the top three reasons they left their former jobs. The percentage citing this reason for leaving is twice as high among the newest entrepreneurs than for those who had owned their businesses the longest. Catalyst's most recent research on flexibility (*A New Approach to Flexibility*, 1997) and on dual-career couples (*Two Careers, One Marriage*, 1998) show:

- Flexibility, including part-time arrangements and other forms of flexibility, is a critical issue for employers.
- Persistent and formidable barriers limit the availability and effective use of flexibility in many business organizations, even in

those companies that have formal policies supportive of alternative work schedules and sites.

Since Catalyst first researched dual-career couples in 1981, there has been a striking change in the attitudes of such couples toward their employers. In 1981, the primary solution to the problem of work/family balance suggested by dual-career couples was they themselves manage their home responsibilities better. In 1998, the majority of dual-career couples surveyed by Catalyst assume that their employers should address their needs, offering informal flexibility or a wide range of advancement options. Such couples report they have control over their home lives; they need their employers to provide them with more control over their work lives in order to manage the overlap between work and home.

2. Increase the number of opportunities for women to use their entrepreneurial skills within companies.

Increasingly corporations are realizing that they need individuals with entrepreneurial skills to succeed in today's business environment. We might call these activities "intrapreneurial" because they require risk-taking, innovation and leadership. Start-ups; turn-arounds; business and new product development; and international assignments all offer challenges to employees with entrepreneurial abilities. Companies need to do more to profile the rewards involved in such assignments and to mitigate the fear that many women (and men) have that they are too "risky." Providing support for women to accept high risk assignments is critical as is challenging male manager's perceptions that it would be too risky for them or for the company to select women for such positions.

3. Identify women professionals and managers with entrepreneurial abilities/interests early in their careers.

The emphasis in this recommendation is early identification of women who might be developed for intrapreneurial business opportunities. Research shows that female professionals and managers frequently stay in grade longer than male counterparts with the same qualifications and tenure. A key reason for this disparity is male managers' reluctance to promote women on the basis of potential rather than requiring them to demonstrate that they can do the job before then get it. Women also report that they are constantly re-establishing their credibility with each new assignment and management change, regardless of their demonstrated contributions and past performance. Companies that fail to communicate their commitment to women early in their careers, and to hold male managers accountable for developing and promoting female talent will fail to retain high-potential women.

4. Recognize and reward women's bottom line contributions. Articulate the business case for retaining women.

Research by Catalyst and other organizations shows that women are much more likely than men to enter on the staff side of companies and to remain in such positions throughout their careers. In contrast, the findings from this research show that women business-owners who were formerly employed in private sector jobs often held sales, marketing or management positions. Clearly, these are women that companies would want to retain and develop for leadership roles and who require increasingly meaningful challenges. Furthermore, they are women who can serve as role models and mentors for other women in the organization who need to see more women entering and succeeding in line jobs.

Companies need to examine the extent to which women are represented in line functions and the extent to which their contributions are being recognized and rewarded. Developing a compelling business case for why women are critical to the business of the business (success with product development and sales) is fundamental to ensuring that male managers "buy in" and are accountable for recognizing and rewarding women's contributions.

5. Recruit female entrepreneurs to corporate boards and senior line positions

Companies should recognize the value of recruiting successful women business-owners to their corporate boards. In addition to their business experience, women business owners could offer first-hand knowledge of the entrepreneurial temperament and offer insight for companies into how they could expand intrapreneurial opportunities within their business organizations.

This research shows limited openness among female business-owners for returning to careers in corporations. Thus, companies should view such women as potential candidates for key operational positions in their business organizations and compete for them by offering promising financial packages and business development opportunities.

CORPORATE RESTRUCTURING: A THREAT TO WOMEN'S PROGRESS?

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INTRODUCTION

> *I've played by the rules and done my best to mix the recipe for 'the Dream,' but it hasn't come out right. I've been a working woman for my entire life, since the age of 15 or 16 — nearly 40 years. I have a traditional work ethic and am out of work for the third time due to a merger, acquisition or reorganization. I don't feel right-sized; I feel outsized or out-of-work sized! (Diane, a former bank professional in Chicago)*

Despite a robust economy and historically low unemployment rates in the mid-1990s, Laurie, an employee in a Hartford-based insurance company, also lost her job.

My job was eliminated at 2 p.m. after 22 years. I was in shock. Then I felt a sense of relief because for two years before that I never knew from day to day whether I would have a job. I couldn't trust anyone. I started from the bottom of the company and worked my way up.

That means nothing now.

Downsizing and displacement have negative effects on women's careers. Only 66 percent of the women like Diane and Laurie who were displaced between 1993 and 1995 were reemployed by 1996, with 21 percent dropping out of the labor force, at least temporarily. Fewer than 30 percent of displaced women were reemployed in the same occupation. Of women who lost full-time jobs due to downsizing or displacement, 17 percent were reemployed on a part-time basis. For women who had worked their way up to managerial or professional positions, 20 percent were reemployed in a lower status position such as a clerical worker. These losses were proportionally greater than those faced by men. Along with losses in employment status, downsized women faced an additional wage penalty in the reemployment process for being a woman. The wage penalty was even higher for African American women.

The voices of Diane and Laurie (not their real names) are among the many that Ida Castro, Director Designate of the U.S. Department of Labor Women's Bureau, heard during her meetings with women around the country in 1995-1996. Ida Castro saw economic restructuring as an important issue for the Women's Bureau to address. She commissioned a report to examine the impact of restructuring on women workers, and she specifically asked the report's authors to investigate whether processes such as downsizing and displacement were overpowering rules supporting equal employment just as women got a foot in the door. This paper presents our unpublished research for that report (Women's Bureau, 1997).

The report itself has never been published, in part, we believe, because the topic was viewed as "not upbeat enough" at a time when the Administration wanted to emphasize the robustness of the economy. However, downsizing and displacement are increasingly a fact of economic life in good times as well as bad. The problems faced by displaced workers are potentially more amenable to policy solutions when the economy is robust.

Consistent with the mission of the Women's Bureau, the focus of the research was on women —how downsizing affects women, how different groups of women, especially racial and ethnic groups, are affected. Clearly men are also affected by downsizing; we present data on men for comparison, including a breakdown by race among men. As the findings will show, black men sometimes bear greater costs of displacement than do white women.

Research Questions: Have Equal Opportunity Rules Changed?

As women have increased their tenure and experience in the workforce, have the rules supporting equal employment changed? How have lay-offs, plant closings and the abolition of positions affected the employability, career advancement and earnings of women? Have inequalities between women and men increased or decreased among the displaced? What about inequalities between white women and women of color; have they increased or decreased as a result of restructuring? Can women expect to protect the gains that they have made and ensure continued progress during this period of transition and into the workplace of the future (Blau and Kahn, 1997)?

To examine whether the effects of displacement or downsizing are disproportionately borne by women workers, we compare the relative costs of this process to working women and men in terms of job loss, reemployment, career mobility, and earnings. Several indicators were used to investigate whether women appear to be bearing a disproportionate share of the costs of displacement. These indicators include: women's share of displacement, post displacement employment status, post displacement earnings, occupational stability and mobility, and reemployment in alternative work arrangements such as part-time or self-employment. The data used to make these indicators operational come from a special supplement to the Current Population Survey (CPS), the Displaced Worker Survey that has been conducted for the Bureau of Labor Statistics (BLS) every two years since 1984. Our data are primarily from the 1996 survey (conducted in February, 1996).

Although several studies of plant closings and large scale factory layoffs in the 1980's included a focus on women workers in specific industries or communities (Raymond and Bluestone, 1982; Snyder and Nowak, 1984; Rosen, 1987; Perrucci, et. al., 1988; Hamilton, et. al., 1990; Deitch, et al., 1991), few studies using national data on displaced workers have on focused on gender (an exception is a Canadian study by Crossley, et. al., 1993) and fewer still focused on white women, women of color, and interactions between race and gender. This research begins to remedy these omissions.

Economic Restructuring, Downsizing, and Displacement: Why Does It Happen?

There is a growing consensus among experts that the U.S. is experiencing a period of labor market transition that is changing the nature of jobs and altering relations between employers and employees (Appelbaum, 1992; Bluestone and Harrison, 1982; Doeringer, 1991; Farber, 1996; Jacobson, et. al., 1993; Kletzer, 1995; Reich, 1997; and Svorny and Kalijian, 1996). Restructuring is a term that is widely used to include processes such as downsizing, right-sizing, out-sourcing and the use of leased, temporary and contingent workers. Structural changes have been felt in the sunbelt as well as the rustbelt; in finance, insurance, and real estate companies as well as manufacturing plants; by white collar as well as blue-collar workers (Garland, 1995; Howland, 1988).

By the mid-1980s, high-skilled and well-paid workers were not impervious to this phenomenon. While restructuring, especially in the form of downsizing and displacement, was originally thought of as a response to an economic downturn, studies now show that companies restructure in favorable as well as unfavorable economic conditions. In 1994, 2.8 million workers lost a job as a result of displacement. The displacement rate declined by only two-tenths of a percent (from 8.2 to 8.0) between the recession years of 1991-1993 and the recovery years of 1993-1995. According to a 1995 report by the U.S. Department of Labor's (DOL) Office of the American Workplace financially sound companies, some with record profits, are downsizing (U.S. Department of Labor, 1995).

Job elimination is becoming a norm of workplace practice as capital globalizes, technology creates a global workforce and companies attempt to create higher short-term profits while keeping prices competitive. According to a study by Useem (1993), company ownership became more concentrated as a result of mergers and acquisitions, headquarter staffs grew smaller, and companies engaged in constant structural change, including the downsizing of middle-management, the growth of out-sourcing. Currently, the best predictor of whether a company will downsize this year is whether they downsized in the previous year. The strength of this predictor reflects the fact that on-going staff reductions become part of corporate culture (Cascio, 1993).

Restructuring on the macro-economic level can reduce promotional opportunities, shorten career ladders and decrease earnings without increasing corporate profits (Doeringer, 1991; Svorny and Kalijian, 1996). According to a recent American Management Association survey, fewer than half (44 percent) of the companies surveyed that cut jobs since 1990 reported increased operating profits in the year following the reduction—or in the longer term. Only one-third of the companies saw an increase in shareholder value, although some may have slowed the rate of decline in profits and productivity by displacing workers (American Management Association, 1996). Companies not only experienced disappointing productivity gains, but also faced consumer dissatisfaction as a result of downsizing (Bailey, et. al., 1994; Banham, 1995; Benoit, 1996; Harrari, 1992). According to a study of corporations by the Wyatt Company, 57 percent of companies that laid off workers in 1991 replaced some of them subsequently (U.S. Department of Labor, 1995). Nonetheless, many experts anticipate that companies will continue their restructuring experiments. Fewer workers are expected to hold life-long jobs or careers with a single employer and more may experience a diversity of work arrangements (U.S. Department of Labor, 1995).

Women Workers in a Period of Transition

During the 1970s and early 1980s, the media highlighted dramatic stories of deindustrialization and the displacement of blue-collar male workers from jobs that had supported several generations of families and paved their way into the middle class. As layoffs spread beyond manufacturing industries to financial, insurance, real estate and service industries—and with decreasing job tenure among all male workers—by the late 1980s news stories began focusing on the displacement of middle-age white male managers and professionals. Unlike their male counterparts, women workers were seldom featured as the casualties of restructuring (Deitch, et. al., 1991).

Perhaps, women were seldom featured in such stories because they continued to be stereotyped as secondary workers with only intermittent attachment to the workforce, whose primary areas of responsibility remained housework, and child and family care. An unstated yet essential assumption of this stereotype was that the earnings of a male breadwinner could be relied upon for the major support of the family (Spalter-Roth, et. al., 1993). However, as male earnings and job tenure continue to decline (Rose, 1995; Swinnerton and Wail, 1995), as welfare programs that subsidize poor women and their children have become more work-oriented and more time-limited, and as increasing numbers of women are solo parents, we can no longer assume that women's earnings are not of primary importance to their families and communities (Women's Bureau, 1994).

Since the 1970s, despite the changes that have made jobs more transitory more women have become permanent members of the workforce. In the past quarter century, women have made many important advances to raise their workplace value. Women have increased their investment in human capital by continuing their education. Equal percentages of women and men between the ages of 25 and 30 are college graduates (about 25 percent) (U.S. Bureau of the Census, 1997). Women have increased their skills and experience sufficiently to offset negative trends in the wage structure. Women's job tenure has increased slightly at the same time men's decreased. Women are less likely to drop out of the labor force during their childbearing years. Women are spending more years in the labor force, working more hours and are more likely to have careers than jobs (Bianchi and Spain, 1996; Blau and Kahn, 1997; Herz and Wooton, 1996).

During the last decade, women have continued to make inroads into male-dominated managerial and professional jobs. Between 1983 and 1995, women's share of executive and managerial jobs increased from 32 percent to 43 percent. At the beginning of the 1970s, women college graduates earned less than male high school graduates did. Women college graduates now earn close to what men with some college earn. During the 1980s, men's wages stagnated but women's did not. As a result, the gap in annual pay between men and women who work full-time has decreased from 40 cents for every dollar in 1[illegible]0 to 28 cents for every dollar in 1996 (Institute for Women's Policy Research, 1997).

Does economic restructuring threaten the gains the gains women have made? Does downsizing exacerbate existing gender and racial inequalities in the labor market? Which women are most affected? Some answers to these questions are presented in the "Findings" section below.

FINDINGS:

WHILE WOMEN'S SHARE OF DISPLACEMENT INCREASED, THEY REMAINED LESS LIKELY THAN MEN TO BE REEMPLOYED

Trends in Displacement: 1981-1994

Displaced workers, as measured by the BLS, include those who are at least 20 years old and who lost a job in the three years prior to the survey because their facility or company closed or moved, there was insufficient work for them to do, or their position or shift was abolished. More than 13 million jobs were lost to women workers (some women may have lost more than one job) for these reasons between 1981 and 1994 (see Table 1). Almost six million were jobs held by long-tenure women workers (workers with at least three years of tenure on the lost job). Among all workers, women's share of displacement increased from a low of 37 percent in 1981 to a high of 44 percent in 1994. Women's share of the long tenure displaced increased from 34% in 1981 to almost 44% in 1994. When compared to their share in the labor force (46 percent in 1994), women were still slightly underrepresented among all displaced workers (since they constituted only 44 percent of all displaced workers in 1994). Among long-tenure displaced workers, however, women's representation was virtually equal to the representation of women with at least three years of experience in the labor force. This later finding suggests that work experience did not protect women against displacement.

Although women's share of displacement increased between 1981 to 1994, there was year to year fluctuation. Women's share of total displacement appears to have increased as the economy improved after the recessions of the early 1980's, dipped somewhat in the recession of the early 1990's, and then increased as the economy improved.

Displaced Workers: 1993-1995

For the rest of our data analysis, we turn to the 1996 Displaced Worker Survey data. Of the workers who were displaced between January, 1993 and December, 1995, 42% were women. Among the displaced women, approximately 14% were African American, 10% were Hispanic, and 3% were Asian, Pacific Islander, or other non-white. Of the displaced men, 11% were African American, 10% Hispanic, and 3% other. We restrict our data analysis by race to non-Hispanic whites, African Americans, and Hispanics (defined here as mutually exclusive categories) as there were too few Asians or others for meaningful data analysis.

Table 2 shows gender differences in several employment-related outcomes of displacement, as well as differences by race among women and among men. The last two columns of Table 2 show the statistical significance of

Table 1.
Women's Share of Displacement Between 1981-1994

	ALL DISPLACED WORKERS		LONG TENURE DISPLACED (3 years or more of tenure)	
Year Displaced	Total Displaced (in thousands)	Percent Women	Total Displaced (in thousands)	Percent Women
Total jobs, 1981-94	32,054	40.7	15,349	38.8
1981	2,277	37.1	1,016	34.1
1982	3,013	36.4	1,346	34.6
1983	1,865	41.6	949	38.8
1984	2,058	38.9	971	37.6
1985	1,958	38.5	968	34.1
1986	2,097	40.7	1,027	38.7
1987	1,830	42.3	841	41.3
1988	1,604	44.3	781	43.7
1989	2,246	41.7	1,044	38.8
1990	2,509	42.3	1,148	39.8
1991	2,658	39.5	1,412	38.5
1992	2,797	41.3	1,405	40.0
1993	2,358	42.8	1,228	40.7
1994	2,786	44.0	1,217	43.5

Source: Special tabulations for the Women's Bureau based on the Displaced Worker Supplements to the Current Population Survey, 1984-1996

gender and race effects in logit models for each outcome variable. The logit models allowed us to test whether gender differences and race differences were each independently statistically significant while also controlling for long tenure (three years or more in the old job) and marital status (currently married or not). We included long tenure in the logit models because Department of Labor analyses of displacement have focused on long tenure displaced workers. We controlled for marital status because it is (still) often suggested that women may "choose" to drop out of the labor force, take their time finding a new job, or take a part-time job because they are secondary wage earners with husbands to support them.

REEMPLOYMENT AND DROP-OUT RATES:

Women Were Less Likely to be Reemployed than their Male Colleagues

Displaced working women were less likely to be reemployed at the time of the survey than their male counterparts, as shown in Table 2. By February 1996, 66 percent of all displaced women workers and 68 percent of long-tenure women were reemployed, versus 72 percent of all men and 78 percent of all long-tenure male workers. Long-tenure white men had the highest rates of reemployment, with nearly eight of ten finding new jobs. Long-tenure Hispanic men were the next most likely to be reemployed (7.5 of 10). Fewer than seven out of ten white women, regardless of tenure, were reemployed. Long-tenure African American men and women were reemployed at about the same rate as white women (67 percent). Hispanic women had the lowest reemployment rate, regardless of tenure, with only about 50 percent being reemployed. Table 2 shows gender and race differences in reemployment rates were statistically significant after controlling for differences in tenure and marital status.

Were gender and race the reasons for differential reemployment rates or did they mask additional factors such as education or occupation that were the "true" predictors of reemployment? To analyze reemployment rates in more detail, we used logistic regression (Table 3), a statistical technique that allowed us to examine the importance of each factor while holding a number of other factors constant, including education, occupation, whether the old job was part-time, age, year of jobloss, long tenure, and marital status. We analyzed factors affecting reemployment first for all displaced workers and then for women and men considered separately. When we applied this technique, we found that both race and gender still had significant effects on reemployment after holding constant the other factors. If a white man and an African American or Hispanic woman had equal years of schooling, equal time on the job, were in the same occupation, were equally likely to have worked full-time and were equally likely to be married, the woman would be only .7 times as likely to be reemployed (.86 for a white woman).

Reemployment was significantly lower for African American and Hispanic women than for white women, after controlling for all the factors listed above. Other factors were important as well. The likelihood of reemployment increased significantly for women employed in professional or managerial jobs; it decreased with age. Those who were most recently displaced were significantly less likely to be reemployed, suggesting that many displaced women did find jobs over time. But African American women did not fit this pattern. Those who did not find a job by the second year of displacement were even less likely to be reemployed in the third year after displacement (not shown). While more education does increase the likelihood of reemployment, the same is not true for long-tenure (three or more years on the previous job), suggesting that firm-specific human capital is not a route to reemployment for displaced women or men.

One of the reasons that women workers were less likely to be reemployed than white men was their greater likelihood of dropping out of the labor force after being displaced. As Table 2 shows, about 20 percent of all women workers displaced between 1993-1995 were not in the labor force (neither employed nor actively looking for work) in February 1996 compared to 10 percent of white men. About one-fifth of displaced white and black women and one fourth of displaced Hispanic women fell into this category (compared to 14% of African American men and 8% of Hispanic men).

While some attribute the patterns to a lower commitment to the labor force, the evidence is more complex. Research shows that many displaced workers' labor force status shifts from month to month. In some months they may have dropped out while in other months they are unemployed and looking for work (Devens, 1986). At the time of the 1996 survey, 23 percent of the women categorized as out of the labor force had held at least one job since they were displaced, as had 21 percent of the women counted as unemployed (but looking for work). When women do drop out, about 25 percent do so to meet family responsibilities. Some may assume that it is no hardship for women to drop out because they have access to the earnings of a male breadwinner, but this is not true for many women. While the reemployment rate is lower for currently married white women (67 percent) than for other white women (76 percent), the same is not true for many black women who are equally likely

Table 2
The Impact of Displacement Varies by Gender and Race:
February 1996 Data for Workers Displaced between January 1993 and December 1995

	All Men	All Women	White Men	Black Men	Hispanic Men	White Women	Black Women	Hispanic Women	Logit p for gender[a]	Effects p for race[b]
	%	%	%	%	%	%	%	%		
All Displaced Workers										
Employment status (as of Feb. 1996):									***	***
Employed	72.1	65.6	74.0	57.7	66.4	67.0	55.7	48.3		
Unemployed	17.8	13.3	16.4	28.3	25.8	11.9	22.6	24.7		
Not in Labor Force	10.2	21.1	9.6	14.0	7.7	21.1	21.8	26.9		
Employment status of long tenure displaced workers[c]									***	***
Employed	77.8	68.2	79.0	67.3	74.6	67.5	67.4	51.7		
Unemployed	13.1	11.8	12.0	21.3	19.5	11.9	21.1	28.6		
Not in Labor Force	9.1	20.0	9.0	11.3	5.8	20.6	20.5	19.7		
Displaced Workers, Employed (as of Feb. 1996)										
Previously employed full-time; part-time now	8.6	17.4	8.5	7.1	12.8	18.6	16.7	12.5	***	
Currently self-employed	11.0	6.6	12.1	8.7	5.1	7.7	3.3	2.7	*	*
New job in same 3-digit occupation as old job	32.5	28.2	33.0	24.5	33.7	29.2	20.1	27.2	*	
New job in same 3-digit occupation & industry as old job	20.6	16.7	20.7	16.9	24.5	17.4	12.1	13.8	*	
Previously in professional or managerial occupation; now clerical, service, or operative	8.6	20.4	9.8	63.1	41.1	21.7	55.5	21.3	**	*
Previously in skilled blue collar (precision/craft /repair); new job also in a skilled blue collar occupation	57.5	32.9	59.9	54.6	39.8	25.9	—	—	**	
Had health insurance in previous job; no insurance now	18.4	17.1	16.8	20.0	39.9	15.4	15.0	49.7		***
New weekly earnings as % of previous earnings:									*	*
LT 80%	27.6	33.7	27.0	33.5	19.5	31.4	42.2	30.4		
+/-20%	43.8	38.5	44.5	30.1	42.9	39.2	38.0	41.6		
GT 120%	28.6	27.9	28.5	36.4	29.1	29.4	19.9	28.0		

* p≤.05; ** p≤.01; *** p≤.001   — indicates *zero* or close to *zero* cases in sample

[a] Using logit analysis, shows whether gender differences are statistically significant, holding constant race, marital status, and long tenure.

[b] Using logit analysis, shows whether race differences are statistically significant, holding constant gender, marital status, and long tenure.

[c] Long tenure indicates 3 or more years at old job.

to be reemployed (57%) if married or not. Single mothers, who are unlikely to be able to rely on the wages of a male breadwinner, are less likely to be reemployed than their married counterparts (Attewell, 1996).

Women's Drop-out Rates are Decreasing

Long-tenure women are somewhat less likely to drop out, whatever their ethnicity. The percentage of long-tenure displaced women workers who drop out of the labor force has declined from one out of four women in the early 1980s to one out of five women in 1995 (not shown), while male rates have remained relatively stable. Further, as time goes on, fewer and fewer women workers overall appear to be dropping out of the labor force after being displaced. This is probably because women's earnings have become more important to their families' economic survival, and a smaller percentage can afford to (or desire to) leave the labor force, despite their unequal responsibility for family care (Bianchi and Spain, 1996).

Women Are Less likely to Hold Full-time Wage and Salary Jobs After Displacement

Displacement appeared to increase the likelihood of part-time employment, especially for women workers. Among those previously employed full-time, displaced women workers were twice as likely as displaced men to be reemployed in part-time positions (17 percent compared to 8 percent) as shown in Table 2. This gender disparity held among long-tenure displaced workers, among all race and ethnic groups, and after controlling for marital status. Although some women may be satisfied with reemployment in part-time jobs, over half (54%) of the women previously employed full-time, but part-time at the time of the survey, indicated that they wanted to work full-time. We will see that women's higher rate of reemployment as part-time workers explains a significant share of wage loss in the new job.

Is Self-Employment an Alternative?

As of 1996, about one in 14 employed women and one in ten employed men in the United States were self-employed. Self-employment has been growing since the mid-1970s (Bregger, 1996; Devine, 1994). Since 1987, the number of women-owned businesses has increased by almost half, with one out of three businesses currently owned by women. Is self-employment a financially sound alternative for displaced workers?

Displaced workers, as defined by the survey, were not self-employed in their old job. Among reemployed displaced workers, 11% of the men and 6 % of the women became self-employed. The figures were lower for African American and Hispanic men than white men, and even lower — only 3% — for African American and Hispanic women.

Formerly displaced self-employed men worked more hours and had higher earnings than did men employed in wage and salary jobs (not shown). In contrast, self-employed women were more likely to work part-time and to earn substantially less than their female counterparts in wage and salary jobs (about 60 percent of

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their earnings). About 40 percent of newly self-employed women who worked full-time prior to displacement worked part-time afterward (in contrast to 16 percent of those women reemployed in wage and salary jobs, 7 percent of men reemployed in wage and salary jobs and 18 percent of newly self-employed men). Perhaps this high rate of part-time work explains why six out of ten of these self-employed women earned 80 percent or less than their pre-displacement earnings. When part-time status and total hours were controlled for (Table 4), self-employment represented a 15% earnings loss (relative to the old job, all else being equal) for women and an 11% loss for men. More than one-quarter (28 percent) of self-employed women who had health insurance prior to displacement no longer had this benefit afterward in contrast to 16 percent of wage and salary workers (not shown). These findings suggest that for women, self-employment did not result in the financial rewards of wage and salary employment, at least in the short run.

WOMEN'S POST-DISPLACEMENT JOB AND EARNINGS LOSSES MAY REINFORCE GENDER INEQUALITY

Occupational Losses

Previous research has suggested that workers do better after displacement if they stay in the same occupation, benefiting from their previous human and social capital (Rose, 1995). As Table 2 shows, only a minority of workers from 1993 through 1995 were able to find jobs in the same detailed (census 3-digit classification) occupational category as the job they lost. On average, men were somewhat more likely than women to experience occupational continuity (33 percent versus 28 percent). About 29 percent of white women, 26 percent of Hispanic women, but only 20 percent of black women were reemployed in the same occupation. The percentages returning to the exact same (3-digit classification) occupation *and* industry — which is our best measure of the same or comparable job — are even lower (Table 2), and also show women are less likely than men to return to the same or closely comparable job.

Although women managers and professionals were the most likely to be reemployed (not shown), thousands of women working their way up the corporate ladder appear to be displaced from their firms. Between 1993 and 1995 about 117,000 women previously employed as professionals and managers appeared to have experienced downward mobility when they were reemployed as clerical workers, operatives and service workers. As Table 2 indicates, this represents a much larger percentage of women (20%) than men (9%) who previously held professional or managerial jobs but were re-employed after displacement in clerical, operative, or service jobs. This cost of displacement was especially high for African American women who lost professional or managerial jobs with over 55% experiencing what appears to be downward occupational mobility. The percentages not regaining professional-managerial status were also very high for African American and Hispanic men compared to white men or even white women, but small numbers (of reemployed displaced nonwhite men in the CPS sample in these categories) suggest these differences by race among men should be interpreted with caution.

Gaining access to better-paying, frequently unionized, traditionally male, blue-collar jobs has been another source of increased employment opportunity for women. Although the numbers of women in the skilled craft, precision and repair categories remain small, the gains have been important. Among blue-collar workers, only one-third of the women employed in precision production, craft and repair occupations were reemployed in this category in contrast to 58 percent of men.

Earnings Losses and Increased Pay Inequity

According to BLS, the approximately 4.5 million workers who were reemployed in full-time jobs as of February 1996 earned an average of $26 dollars per week less on their new job than on their old job, when uncontrolled for other factors (Bureau of Labor Statistics, nd). According to the analysis presented in Table 2, which includes part-time as well as full-time workers, the largest group of workers (42 percent) earned within 20 percent of their old wages, yet a substantial share lost earnings. Women were less likely to maintain their old wage levels than their male counterparts (39 percent versus 44 percent) and were more likely than men to experience substantial wage loss (34 percent as compared to 28 percent) when uncontrolled for other factors. Substantial wage loss was defined as reemployment at a new job that pays 80 percent or less of what the old job offered. Some researchers might argue that women's higher percentage of substantial wage loss can be explained by the higher percentage of women who are reemployed in part-time jobs. Yet, we will also see that women (and especially women of color) experience additional wage penalties compared to white men, when we control for part-time work (see Table 4).

Black Women were the Most Likely to Face Substantial Wage Loss

Table 2 shows that within each race and ethnic group, a greater share of women than men experienced wage losses of 20 percent or more when uncontrolled for other factors. More than four out of ten African American women, displaced from 1993-1995 and reemployed by 1996, experienced this substantial wage loss. The wage gap between women of color and white men also increased as a result of displacement (not shown). Prior to displacement, the wage gap between black women and white men was about 31 cents to the dollar (in other words, black women earned 69 cents for every dollar earned by white men). After displacement, the gap was 38 cents for every dollar (not shown).

Net Losses to Women as a Result of Discrimination in the Reemployment Process

Does the process of finding a new job after displacement result in an additional earnings penalty, aside from the discrimination in pay that many women already face in the workplace? To answer this question, we examined the specific effects of being a white woman or a woman of color on the net loss or gain in earnings from displacement when other personal or job characteristics were taken into account. We used two-stage least squares regression equations to estimate the net effect of discrimination on reemployment (or post-displacement) earnings.

The first stage of the analysis predicted the weekly earnings of the old job, controlling for gender, race, education, occupation and other factors associated with earnings differences. In the second stage (or equation) the log of weekly earnings on the new job is the dependent variable and the predicted value of old wages net of the effects of wage discrimination on earnings in the old job (calculated as a residual from the first stage equation) is included as an independent variable. The regression coefficients in Table 4 may be interpreted as percentage increases or decreases in earnings associated with a given variable. We carried out two-stage least-squares regression analysis for all reemployed displaced workers, and for women and men separately (Table 4).

The first stage regression analysis of pre-displacement (old job) weekly earnings (not shown), found that an African American woman with the same occupation, years of education, age and marital status as her white male colleague earned 29 percent less in her old job, while white women earned 27 percent less and African American men averaged 11 percent less than white men, all else being equal. Many researchers attribute this difference to the interactive effect of gender and race discrimination.

Table 4 shows the results of the second stage of the analysis — the wage gains or losses that could be attributed to the displacement process. Gender was a significant predictor of post-displacement wage loss when factors including marital status, amount of education, job tenure, occupation and wages on the previous job were held constant. Reemployed white women workers, who reported any earnings, lost an additional 10 percent in earnings as a result of gender discrimination in the post-displacement job compared to white men. In other words, if white women and men earned the same amount at their old job, the women would earn 10 percent less on their new job, holding constant worker and job characteristics. When race and gender discrimination are combined, African American women lost an additional 20 percent, net of old earnings, in contrast to white men. In other words, reemployed African American women, compared to white men, experienced an additional loss of $4.00 per week (assuming an average loss of about $20.00 per week, according to unpublished BLS data) as part of the displacement and reemployment process, net of other factors (including race and gender discrimination experienced in the labor market in general). Differences between white men and African American or Hispanic men were not statistically significant. Differences in earnings by race do exist among reemployed men, but according to Table 4, the displacement process does not further increase the race differential for men but it does increase the race differential among women.

Along with gender and race discrimination in the post-displacement wage setting process, some reemployed women workers faced additional losses compared to other female counterparts. After controlling for hours worked, they faced a 30 percent wage loss if they were reemployed as part-time workers compared to women who were reemployed in full-time jobs. Reemployed women experienced a 19 percent loss if the new job was in a service occupation compared to a new job in technical, sales, or clerical occupations, and a 15 percent loss if the new work arrangement was self employment compared to wage or salary jobs. In contrast, a 24 percent gain resulted if reemployment was in a managerial or professional job, and a 17 percent gain if their new job was in craft or repair, compared to a new job in technical, sales, or clerical occupations. Women who were able to find a new job in the same detailed occupational and industry category as the old job enjoyed a 13 percent wage gain compared to those who shifted to a new occupation or industry.

These findings suggest that for the average worker, reemployment in a full-time wage or salary job in the same occupation (especially if the occupation is professional, managerial or craft and repair) would increase earnings at the new job. But even if reemployed at these jobs, women (and especially African American women) face discrimination and bear additional costs as a result of displacement.

Table 4
Factors Affecting Change in Earnings for Reemployed Displaced Workers

Results of Two-Stage Least Squares Regression
with Log of New Earnings as the Dependent Variable

Independent Variables	Regression Coefficients Expressed as a Percentage Change in Weekly Earnings		
	Equation for Both Sexes	Equation for Women	Equation for Men
Gender by race/ethnic category [a]			
African American woman	-20.4 *	-13.4 *	
Hispanic woman	-1.9	+2.3	
White woman	-10.1 *		
African American man	-2.7		+0.3
Hispanic man	-6.5		+0.3
Occupational category of new job [b]			
Managerial or professional	+24.1 *	+23.7 *	+25.8 *
Craft or repair	+12.9 *	+17.3 ˙	+11.6 *
Operative or laborer	-3.1	-6.1	-1.6
Service occupation	-20.8 *	-18.9 *	-19.8 *
Farming/forestry/fishing	-22.3 *	-51.0 *	-0.7
Other characteristics of the new job			
New job same occupation and industry as old job	+17.9 *	+13.2 ˙	+20.0 *
Self-employed in new job	-12.6 *	-15.0 *	-11.3 *
New job is part-time	-43.9 *	-30.0 *	-59.0 *
Additional hour/week on new job	+1.9 *	+2.3 *	+1.7 *
Factors related to the old job			
Three or more years (long tenure) at old job	+0.2	+0.1	-1.1
Statistical control for old earnings [c]	+27.9 *	+29.8 *	+29.6 *
Additional year since loss of old job	+4.7 *	+3.7	+5.0 *
Additional week of unemployment	-0.3 *	-0.1	-0.4 *
Individual characteristics			
Additional level of education	+5.3 *	+5.2 *	+4.9*
Currently married	+0.1 *	+0.1	+0.3
Age (additional year)	-3.1 *	-0.2	-2.2

* p≤.05 ˙ p<.10

[a] Reference category for race/gender = white man (non-hispanic)

[b] Reference category for occupation = new jobs in technical/sales/clerical occupations

[c] Predicted value of old earnings, a residual calculated from the first stage of the two-stage least squares regression model

Source: Displaced Worker Supplement to the February, 1996 Current Population Survey

CONCLUSIONS AND POLICY IMPLICATIONS

The findings reported here show the growth of an unequal playing field between men and women, between white women and women of color, and between white men and men of color after these workers experience displacement or downsizing. They show that women and especially women of color experience additional discrimination as they face a post-displacement labor market. The findings show further that for women and men of all races, higher levels of education and occupational skill or status are important assets in facing downsizing. Educational and occupational advantages do not protect displaced workers against gender and racial inequities in reemployment after downsizing, however. Both race and gender affect the costs of displacement for workers, and on indicators such as reemployment rate and post-displacement earnings loss, African American women are doubly disadvantaged.

Traditional policy tools for assisting displaced workers target a narrow profile of displaced full-time workers employed in industries affected adversely by international trade agreements, and emphasize extended unemployment benefits and retraining. Increasingly, downsizing, along with other forms of corporate restructuring, affects a much broader range of workers and industries in times and places of economic growth as well as recession. As a result a range of relevant policies need to be extended to a broader workforce of part-time, contingent, as well full-time employees. These policies include provision of monetary benefits, support services, education and job training, help in job searching, advance warning of layoffs, protection of pension and health benefits during job changes, family-friendly benefits, and efforts to make nonstandard or contingent work arrangements (part-time, temporary, on-call, etc.) more financially viable for workers

Along with the extension of traditional policies to a broader array of workers, the findings presented here call for Equal Employment Opportunity (EEO) and affirmative action policies. These policies, which protect workers against discrimination and promote equality and diversity in the workforce, are important at all stages of the displacement to reemployment process and should be enforced to cover firings as well as hirings.

A generation of public and private policies has been implemented to create a level playing field for all workers. They promote equal opportunity to gain skills and education, and equal opportunity to be hired and promoted and to work in a safe workplace. Many of these policies are now under attack. Without continued support for policies that promote gender and race equality, workplace practices such as downsizing, right-sizing and out-sourcing can reinforce race and gender inequalities in the workplace and leave more workers unprotected by basic workplace standards.

ENDNOTES

2 We use two stage least squares regression (2sls) rather than the log of the difference between new and old earnings to: (a) avoid confusing the amount of gender and race discrimination in the labor market with the amount resulting from the displacement process itself; (b) take into account that old earnings may also influence new earnings, over and above the effects of gender, occupation, and other variables included in the equations; and (c) avoid statistical problems of "regression to the mean." Using a residual, the predicted value of old earnings, as a proxy variable to control for old earnings avoids some of the multicolinearity problems that using actual old earnings in the equation for new earnings would cause. (See Markus, 1979 and Finkel, 1995). We acknowledge that other researchers might choose other statistical approaches.

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RACE, ETHNIC AND SKILL-BASED INEQUALITIES IN WOMEN'S EMPLOYMENT AND WAGES

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ABSTRACT

According to most aggregate indicators, women were the labor market success story of the 1980's. Women's employment and earnings increased steadily in the eighties, and sex-based occupational segregation and the sex-based wage gap decreased steadily during the eighties (Bianchi 1995; Blau 1988, Blau and Beller 1992; Blau and Kahn 1992; England 1992; England and Browne 1992; King 1992; O'Neill and Polacheck 1993; Wellington 1993). Some argue, however, that the decrease in the male/female wage gap is fueled more by declines in men's wages than by increases in women's wages, and that the story of steady progress in women's labor market attainments may not hold for all groups of women (Bernhardt et al. 1995; Blau and Kahn 1994, 1997; Bound and Dresser 1998; Corcoran and Parrott 1992, 1998; Morris et al. 1994; McCall 1996b; Smith 1991).

In this paper, we examine the change in earnings during the 1980's for four race/ethnic groups of women living in mainland U.S.: African-Americans, Mexicans, Puerto Ricans, and non-Hispanic whites. We pose two questions about the economic progress of each group of women:

1) Did their earnings improve, stagnate, or deteriorate in the eighties? That is: which race/ethnic groups shared in the overall economic success story of women in the 1980's and which did not?
2) Within each race/ethnic group, what are the factors (changes in work hours, in human capital levels, in family situations, in job characteristics, in residential location, and in immigrant status) that account for changes in the average earnings of this group of women in the 1980's?

PAST RESEARCH

It is well established that earnings and employment inequalities increased for men in the 1980's (Bound and Freeman 1992; Bound and Johnson 1992; Danziger and Gottschalk 1995; Levy and Murnane 1992; Holzer 1996; Juhn and Magrobi, 1991; Katz and Murphy 1992; Murphy and Welch 1993). Recently, several analysts have argued that inequalities have grown at least as much among women as among men and that inequalities are growing both within and across racial ethnic groups of women (Bound and Dresser 1997; Browne 1998; McCall 1996a, 1996b; Morris et al. 1994). There are several clear findings from this recent research. Wage gaps widened between more educated and less educated women in the eighties (Mishel and Bernstein 1992; Smith 1991). African-American women's wages, earnings and employment rates declined relative to those of white women (Blau and Beller 1992; Blau and Kahn 1994; Bound and Dresser 1998; Browne 1998; Corcoran and Parrott 1992; Karoly 1993). The timing and magnitudes of the changes in the African-American/white wage and employment gaps varied across educational subgroups and across regions, suggesting that there was considerable heterogeneity in women's employment experiences depending on their schooling and location (Bound and Dresser 1998).

This research extends previous research on trends in African-American women's earnings relative to those of white women. Blau and Beller (1992), Blau and Kahn (1994), and Bound and Dresser (1998) tracked differentials between white and African-American women's economic outcomes over time, but did not directly estimate trends in either white women's outcomes or in African-American women's outcomes. Thus, the observed widening of wage gaps between African-American and white women in the eighties could have occurred either because white women's wages increased more rapidly than did wages of African-American women or because white women's wages increased in the eighties, and African-American women's wages stagnated or declined in the eighties. Since we estimate earnings trends separately for African-American women and white women, we can resolve this issue.

This work also extends previous research on trends and inequalities in women's employment and earnings in the 1980's to look at two additional ethnic groups: Mexican women and Puerto Rican women. A number of studies have examined the economic fortunes of Latinos (Bean and Tienda 1987; Waters and Esbach 1995; Harrison and Bennett 1995; Portes and Trulove 1987; Reimers 1985; Rivera-Batiz and Santiago 1994), and a few examine the economic experiences of Latina women (Carnoy et al. 1993; Corcoran, Heflin and Reyes 1998; Reimers 1985; Abowd and Killingsworth 1985; Enchautegi 1995; Tienda and Guhleman 1985; Cintron 1994). But the employment and earnings experiences of Mexican and Puerto Rican women during the eighties have been relatively understudied, mainly due to a lack of data.[1] Only the decennial Censuses provide national subsamples of Mexican or Puerto Rican women large enough to examine trends in inequality among subgroups of women - in this case young Mexican and Puerto Rican women.

A second shortcoming of past research is that some researchers looked at Latinos as a group, rather than examining Mexicans, Puerto Ricans, and other Latino subgroups separately (see, for example, McCall 1996b). Latino subgroups differ to such a great extent in terms of culture, and migration and assimilation patterns that each subgroup must be studied on its own (Reimers 1985; Portes and Trulove 1987; Bean and Tienda 1987). We will use the 1980 and 1990 5/100 Census files to track the wage outcomes of young Mexican women and young Puerto Rican women.[2]

Demand-side, supply-side and institutional arguments have been advanced to account for the deterioration in the economic outcomes of minority and low-skilled women in the 1980's (Blank 1995; Bound and Dresser 1998; Browne 1998; Cintron 1994; Holzer 1996; McCall 1996a, 1996b; Rivera-Batiz and Santiago 1994; Wilson 1987, 1996). Supply-side models emphasize declines in human capital, declines in the skills of new immigrants and migrants, increases in competition from low-skilled immigrants and increases in female headship. Demand-side models emphasize the shift from manufacturing to service industries (deindustrialization), the movement of jobs out of inner cities and into suburbs (spatial mismatch), the decline in the demand for low-skilled workers and increases in the demand for high-skilled workers due to technological advances, changes in the organization of work, and increases in imported products (skills mismatch). Institutional arguments emphasize the declining value of the minimum wage in the 1980's and the potential for increased discrimination due to the decline in enforcement of equal opportunity under the Reagan administration.

The above supply, demand and institutional arguments all provide reasons why we might expect to see changes in the earnings of minority women in the eighties. For instance, on the supply side, the proportion of Mexican women who were immigrants increased in the 1980's. In 1980 about one-third of young, Mexican women were immigrants; in 1990 almost half of young Mexican women were immigrants (Corcoran, Heflin and Reyes 1998). Many of these immigrants had low levels of schooling and spoke English poorly, if at all (Corcoran, Heflin and Reyes 1998). This lack of skills could constrain Mexican women's earnings capacities. The proportion of African-American and Puerto Rican women who are single mothers increased in the 1980's (Cintron 1994, Corcoran and Parrott 1998). If single mothers find it hard to meet workplace demands or if employers are less willing to train and promote single mothers this could lead to lower wages for African-American and Puerto Rican labor market entrants in the 1980's.

On the demand side, Wilson (1996) and Kasarda (1995) have argued that urban minorities, especially African-Americans and Puerto Ricans, have been disproportionately affected by the movement of jobs out of inner cities and by the decreases in the demand for low skilled labor. Puerto Rican women may be particularly hard hit. In 1980, over 60 percent of young Puerto Rican women lived in New York City, and the New York garment industry has traditionally employed large numbers of Puerto Rican women. The Northeast has been hard hit by economic recessions, and the number of well paid, unionized manufacturing jobs has declined due to factories leaving the Northeast and to foreign imports.

Evidence from employers surveys suggests that the skills mismatch argument may be particularly relevant to African-American and Latina women's opportunities (Browne 1998). Holzer (1996) surveyed 3,200 employers in four metropolitan areas about the entry-level jobs available to workers without a college degree. He asked what skills were required for the jobs, and what were the demographic characteristics of recent hires. He reports that employers were more likely to have hired white women than African-American women into jobs requiring reading, writing, arithmetic or computer skills, and were more likely to have hired white women than Latino women into jobs which required frequent interactions with customers or use of computers. With lower levels of education and language proficiency on average than white women, African-Americans and Latinas may lack the skills required in the low-wage labor market.

How deindustrialization, the shift from manufacturing to service jobs, will affect women's earnings is less clear. On the one hand, the loss of well-paid, low-skilled manufacturing jobs could reduce women's earnings. On the other hand, deindustrialization could improve women workers' earnings prospects since many women work in service jobs. Whether the shift to service jobs hurts or helps a particular group of women is also an open question. According to Browne (1998), there are two kinds of service jobs: high-paying, high skilled jobs and dead-end, low skilled jobs. It could be that low-skilled women's earnings are hurt by the shift into low paid, dead-end service jobs, but that high skilled women's wages are improved by a shift into well paid service jobs.

Institutional models also have implications for minority women. Any de-emphasis on equal opportunity enforcement during the 1980's could affect African-American and Latino women's economic opportunities by decreasing the price of discrimination. Additionally, a large number of Mexican women have very low levels of education and likely work at minimum wage jobs. The minimum wage remained constant in absolute dollars between 1981 and 1989. Consequently, this could lead to an erosion in real earnings among low-skilled women, particularly Mexican women.

In this paper, we use standard earnings decomposition procedures to assess the extent to which changes in levels of and changes in returns to work hours, skills, family characteristics, nativity, residential location, and occupational and industry placement account for changes in the average earnings of young African-American, Mexican, Puerto Rican and non-Hispanic white women during the eighties. The remainder of this paper is in four parts. We begin by describing the research strategy. This is followed by a description of the data, sample, and variables. Next we discuss trends in worker and job characteristics and in earnings. In section four, we present the results of the earnings decompositions. We conclude by summarizing our results.

RESEARCH STRATEGY

We investigate causes of trends in earnings by estimating equation (1) using OLS regression for each race/ethnic group.

(1)

$$\ln \mathit{earnings}_{i,t} = \sum_{i=1}^{n} B_{i,t} X_{i,t} + e_i$$

Equation 1 expresses the natural log (ln) of the earnings of a woman who was surveyed about her wages in year t (79 or 89) as a function of factors (Xi,t) that are predicted to influence wages. The independent variables include measures of work effort (hours worked per week, weeks worked per year), human capital (schooling, potential experience, English proficiency, nativity, years since immigration), family situation (marital status, number of children), residential location and job characteristics (industry, occupation).

We estimate equation (1) twice for each year and race/ethnic group. We first estimate equation (1) including only measures of personal characteristics (work effort, human capital, family situation, and residential location) and then again adding measures of job characteristics. We use the standard decomposition model developed by Blinder (1973) and Oaxaca (1973) to decompose the 1979-1989 changes in earnings into the proportions due to changes in women's mean characteristics (e.g., schooling) and the proportion due to changes in how the labor market rewarded a given set of characteristics. Regression results can be found in Appendix A.

There are two ways to perform the Oaxaca (1973) decomposition. Changes in women's mean characteristics (X_{89}-X_{79}) can be weighted by either the coefficients from the 1979 equation (B_{79}) or the coefficients from the 1989 equation (B_{89}). That is,

(2)

$$\ln \mathit{earnings}_{89} - \ln \mathit{earnings}_{79} = B_{79}\,(X_{89} - X_{79}) + (B_{89} - B_{79})X_{89}$$

or (3)

$$\ln \mathit{earnings}_{89} - \ln \mathit{earnings}_{79} = B_{89}\,(X_{89} - X_{79}) + (B_{89} - B_{79})X_{79}$$

We perform decompositions both ways. We report results weighted by the 1979 term coefficients in Table 4.[1]

The first term on the right hand side of the earnings decompositions [$B_{79}(X_{89}-X_{79})$] allows us to estimate the extent to which changes between 1980 and 1990 in women's personal and job characteristics explain changes in the average earnings of each race/ethnic group. For example, if the declining skill-level of new immigrants were reducing Mexican women's earnings, we would expect to see that declines in the proportion of Mexican women who are proficient in English, increases in the proportion of Mexican women who were immigrants, and/or declines in the mean education of Mexican women were associated with declines in the average earnings of Mexican women. If deindustrialization were reducing African-American women's wages, we would expect to find that decreases in the proportion of women who were working in manufacturing industries were associated with declines in the average earnings of African-American women.

The second term on the right hand side of the earnings decomposition [$(B_{89}-B_{79})X_{89}$] provides an estimate of the extent to which changes between 1980 and 1990 in how the market rewarded women with a given set of personal and job characteristics account for changes in the average earnings of each race/ethnic group of women. This method has its limitations, however. For example, if high levels of human capital were rewarded more in 1979 than 1989, it would appear in this term. However, we cannot further break down this estimate into how much is due to changes in how the market rewards any particular personal attribute such as a college education (Jones 1983), as we can with the first term since we cannot separate the change in coefficients from the change in the constant. We are forced to conclude generally that the labor market changed in how it rewarded a given set of characteristics.

DATA

Our study uses the 1980 5/100 Census file and the 1990 5/100 Census file. We use the Census, rather than the Current Population

Survey (CPS), because only the Census provides national samples large enough to track earnings outcomes for young Puerto Rican women. Rivera-Batiz and Santiago (1994:1) claim that because the CPS uses a smaller sample of population, and has to combine sample data with supplemental information on deaths, births, and immigration "studies that use the CPS to measure the characteristics of the Puerto Rican population in the U.S. are subject to substantial measurement error and may not be reliable." Rivera-Batiz and Santiago (1994:1) further note that "the March 1990 estimates of Puerto Rican population in the United States made on the basis of the CPS was half a million lower than the 1990 Census count." Our 1990 findings are weighted.

SAMPLES

Following the examples of Bound and Freeman (1994), and Bound and Dresser (1998), we restrict analysis to young women because their earnings best reflect the effects of changing economic conditions and constraints on labor market entrants. This age choice is important. If one looks at women of all ages, the successes or failures of older cohorts may dominate estimated trends and mask changes in job opportunities and earnings prospects of labor market entrants. This restriction also allows us to compare our results with those of Bound and Dresser (1998). Our samples for each year include African-American, Puerto Rican, Mexican and non-Hispanic white women, aged 18 years and older, who are not in school or the military, and whose potential work experience (age-education -6) does not exceed nine years. When respondents have less than twelve years of schooling, we include those between 18 and 27 years of age.

VARIABLES

Our outcome measure is wage and salary income in the year prior to the survey; earnings are expressed in 1989 dollars. We exclude all respondents with allocated values on wage and salary income, weeks worked last year and hours worked last year.[4] We measure earnings over the past year rather than the past week, because many women work part-year. This is the definition of employment used by Cintron (1994), Enchautegi (1995), Cancian, Danziger and Gottschalk (1994), and Corcoran and Parrott (1998). We include part-time as well as full-time workers in our earnings analysis because Smith (1991) and McCall (1996) have found that restricting analyses to full-time workers leads to underestimates of the inequality in women's earnings. Because part-time and part-year workers are included in the earnings analyses, all analyses include measures of weeks worked last year and usual hours worked last year to control for differences in work effort.

A key theme in the economics and sociological literatures is that returns to skills were increasing in the 1980's (Bound and Johnson 1992; Bonilla and Morales 1993; Danziger and Gottschalk 1996; Enchautegi 1995; Katz and Murphy 1990; Holzer 1996). For our earnings equations, we construct five measures of skills typically used in analyses of Latino earnings: years of schooling, potential work experience (age-years of schooling-6),[5] English language proficiency, whether island-born or born in mainland U.S. (for Puerto Ricans), and (for Mexicans) whether born in the U.S., or recent immigrant (resided in U.S. 10 years or less), or long-term immigrant (resided in U.S. more than 10 years). The nativity and immigration measures are constructed on the assumption that Latinos born and raised in mainland U.S. are better socialized and trained to compete in the U.S. labor markets, and that it takes immigrants about ten years to become fully assimilated into the U.S. labor market (Bean and Tienda 1987; Chiswick 1978, 1979, 1986, 1990; Borjas and Tienda1985; LaLonde and Topel 1991). Bean and Tienda (1987) note that the language proficiency, nativity and recency of immigration measures may pick up effects of employer discrimination as well as effects of skills. Kenney's and Wissoker's (1994) analysis of the Urban Institute employer audit study supports this hypothesis with their finding that employers discriminate on the basis of Hispanic names.

One concern in the literature on women and work specific to Puerto Rican women is the increasing numbers of female-headed families and the very low level of employment rates. During the 1970's, the employment rate increased for married Puerto Rican women but not for unmarried Puerto Rican women with children (Cintron 1994). In order to examine these issues for the 1980's, we control for marital status and the number of children using dummies variables in the earnings equations for each of the four groups.

In response to Bound and Dresser's (1998) finding that trends in African-American/white women's wage gaps vary by region, we construct four regional dummies: Northeast, South, Midwest and West to be used in analyses of African-Americans' and non-Hispanic whites' earnings. Latinos tend to be concentrated in a few geographic areas: the vast majority of Mexicans live in Texas or California, the majority of Puerto Ricans live in New York or New Jersey. For the purposes of this study, we divide Mexicans into three geographic areas: Texas, California, elsewhere. We characterize Puerto Ricans as living in New York or New Jersey versus all other areas.

Finally, we include measures of job characteristics to examine the effects of the changing mix of jobs on women's earnings for each race/ethnic group. We include 10 dummies to represent 11 Census occupation categories, and 12 dummies to represent 13 Census industry code categories. The Census industry and occupation categories are listed in Table 2.

Trends in Demographic Characteristics

Table 1 presents the means on the work effort measures and demographic characteristics for Puerto Rican, Mexican, African-American, and white women for 1980 and 1990. Work effort (weeks worked and hours worked) increased for all four race/ethnic groups, but increases were largest for Puerto Ricans and whites. There was considerable educational upgrading among all four groups of employed women. The proportion of employed young women with some post-secondary schooling increased from 45 percent to 55 percent for African-Americans, from 26 percent to 36 percent for Mexicans, from 37 percent to 53 percent for Puerto Ricans, and from 49 percent to 63 percent for whites. The proportion of employed young women with a college degree increased from 18 percent to 20 percent for African-Americans, from 7 percent to 10 percent for Mexicans, from 12 percent to 19 percent for Puerto Ricans, and from 25 percent to 33 percent for whites. All else equal, these changes in work effort and schooling should lead to higher earnings.

Despite this improvement in higher education, a large minority of Latinas had not completed high school in 1990: 33 percent of Mexicans and 18 percent of Puerto Ricans. Indeed, 11 percent of employed Mexican women had not even started high school. One reason for the continuing low levels of schooling among Mexicans is their high rates of immigration to the U.S. In 1980, 25 percent of young employed Mexican women were immigrants; in 1990, 34 percent were immigrants. The high rate of immigration is also likely to account for the slight decrease in English proficiency of employed Mexican women between 1980 and 1990.

Among young employed Puerto Rican women, U.S. nativity and dispersion within the U.S. increased during the 1980's. In 1980, 60 percent of employed Puerto Rican women were born in the U.S.; by 1990 this rose to 70 percent. In 1980, 54 percent of employed Puerto Rican women resided in the New York/New Jersey area; by 1990, this dropped to 44 percent. Unlike Puerto Rican women, U.S. nativity decreased and geographic concentration remained high among Mexican women. In 1980, three in four employed Mexican women were U.S. born; this dropped to two in three in 1990. In both 1980 and 1990, almost three in four employed Mexican women lived in Texas or California.

Across all four race/ethnic groups, the proportion of women who were married and living with their husbands declined. For three of the four race/ethnic groups - Mexicans, Puerto Ricans and whites - there was no change in the number of children among young working women between 1980 and 1990. The propor-

Table 1.
Personal Characteristics of Black, Mexican, Puerto Rican and White Women
Age 18-35 with 0-9 Years of Potential Work Experience working >0 hours annually

	Black		Mexican		Puerto Rican		White	
	1980	1990	1980	1990	1980	1990	1980	1990
Potential Work Experience	5.0	5.4	5.7	6.0	5.0	5.4	4.6	5.2
Weeks worked	37.4	39.4	36.2	38.3	37.2	40.5	39.6	42.6
Hours worked	36.6	37.3	37.1	37.3	36.1	37.6	36.5	37.7
0-8 Years of Education	1.3	7.0	15.0	11.7	4.5	2.2	0.8	0.8
9-11 Years of Education	11.5	11.5	17.4	20.9	16.2	15.1	7.2	7.3
High School Education	42.8	32.1	42.0	31.7	42.2	30.3	43.0	29.2
Some College	26.5	35.4	18.5	25.9	25.0	33.9	24.0	30.1
College	17.7	20.2	7.1	9.8	12.1	18.6	25.0	32.6
Married	37.3	29.8	54.3	48.3	48.0	43.9	53.7	50.6
Unmarried	62.7	70.2	45.7	51.8	52.0	56.2	46.3	49.4
No Children	40.3	46.3	47.4	48.3	54.4	54.2	65.8	63.4
One or Two Children	50.2	45.5	44.7	43.0	40.7	40.2	31.5	33.1
Three or more children	9.4	8.2	7.9	8.8	5.0	5.6	2.7	3.4
North Central	20.1	17.3					29.5	26.8
Northeast	14.7	14.6					22.1	22.4
West	8.9	9.1					18.4	18.1
South	56.3	59.0					30.0	32.7
California resident			42.3	45.8				
Texas resident			29.3	27.7				
All other states			28.4	26.5				
New York/New Jersey resident					54.4	43.6		
All other states					46.6	56.3		
Immigrated within last 10 years			17.4	20.2				
Immigrated >10 years ago			8.0	14.1				
US Born			74.6	65.7				
Proficient english speaker			85.7	83.9	93.4	95.8		
Puerto Rican born					39.2	30.1		
US Born					60.8	69.9		

tion of working women with no children rose among African Americans between 1980 and 1990 and the proportion of women with many children (3 or more) dropped.

Trends in Job Characteristics

Table 2 presents the industry and occupational distributions of employed young African-American, Mexican, Puerto Rican and non-Hispanic white women for 1979 and 1989. As predicted by the deindustrialization model, all four groups of women decreased their representation in manufacturing industries and moved into service industries. These shifts out of manufacturing were largest for the minority groups of women. The proportion of employed African-American women who were working at manufacturing jobs dropped from 20 percent in 1979 to 13 percent in 1989; the proportion of Mexican women in manufacturing dropped from 25 to 17 percent; and the proportion of Puerto Rican women dropped from 24 to 14 percent. The proportion of white women working at manufacturing jobs dropped only four percentage points from 16 percent to 13 percent. Among all groups, women's representation in service industries other than education services increased between 1979 and 1989; and the proportion of women working in government jobs - educational services or public administration - dropped between 1979 and 1989. Among African-Americans and Mexicans, the proportion of women working in retail trade increased from 16 to 23 percent for African-Americans and from 21 to 26 percent for Mexicans.

There were three major occupational shifts between 1979 and 1989 that mirrored the industrial shifts. In every race/ethnic group, women were more likely to hold management jobs, more likely to work in sales, and less likely to work as operatives.

Trends in Earnings

Figure 1 depicts the trends in real earnings for young African-American, Mexican, Puerto Rican, and non-Hispanic white women. While earnings increased for all groups, there are clear race/ethnic differences in the rate of growth. White and Puerto Rican women's earnings increased sharply in the 1980's, while earnings increases were smaller for Mexican and African-American women.

Table 3 suggest two reasons why earnings changes were larger for Puerto Rican and non-Hispanic white women. Columns 1 and 2 of Table 3 present the means of women's annual earnings, annual work hours, and hourly wages in 1979 and 1989. Column 3 in Table 3 presents the changes in earnings, work hours, and wages between 1979 and 1989. First, although annual work hours increased between 1979 and 1989 for all four race/ethnic groups, increases in average annual hours worked were one and a half to two times higher for Puerto Ricans and whites than for African-Americans and Mexicans. Second, the real mean hourly wage increased for whites and Puerto Ricans, but decreased for African-Americans and Mexicans.

Table 2.
Job Characteristics of Black, Mexican, Puerto Rican and White Women
Age 18-35 with 0-9 Years of Potential Work Experience working >0 hours annually

	Black		Mexican		Puerto Rican		White	
	1980	1990	1980	1990	1980	1990	1980	1990
Industry:								
Nondurable mfg	11.4	8.2	12.9	9.1	12.0	6.2	7.9	6.5
Durable mfg.	8.8	4.9	12.3	7.9	12.1	7.8	8.4	6.0
Retail Trade	16.3	22.7	21.0	25.6	17.3	18.5	22.6	22.9
Agriculture/Mining/Construction	1.7	1.5	6.2	5.1	1.1	1.7	2.8	2.7
transportation	5.9	5.5	4.0	3.5	3.7	5.2	4.0	4.3
wholesale trade	1.7	2.2	3.4	4.2	3.7	3.5	3.2	3.5
FIRE	9.0	10.1	7.7	8.0	13.5	14.3	10.1	11.1
Business Services	3.8	4.9	3.1	4.3	4.1	5.4	3.9	4.7
Personal Services	4.0	5.7	4.9	8.2	2.4	5.4	3.4	5.8
Health Services	13.6	14.0	8.9	9.3	11.7	13.9	13.8	13.3
Education Services	10.5	6.4	7.1	5.3	6.7	5.4	10.5	7.3
Other Servicess	4.8	6.5	3.5	5.8	5.4	8.4	5.1	8.7
Public Administration	8.5	7.4	4.9	3.8	6.3	4.3	4.3	3.0
Occupations:								
Clerical	32.3	29.3	31.4	32.8	42.1	38.3	33.0	27.4
Managerial	4.6	8.2	3.6	6.5	4.5	9.3	7.0	12.5
Professional	11.8	10.9	5.9	6.9	9.8	10.6	16.8	17.6
Technical	2.6	3.3	1.9	2.7	2.2	3.6	4.0	4.4
Sales	8.7	15.3	10.5	14.8	10.4	14.9	11.2	14.2
Service	19.1	19.4	16.1	18.7	11.4	12.8	14.7	14.4
Farm	0.7	0.3	4.3	0.3	0.5	0.3	0.8	0.6
Craft	2.2	2.0	3.6	2.0	2.4	2.0	1.9	1.9
Operatives	13.8	8.2	17.2	11.0	12.5	6.0	7.8	4.7
Transportation	0.8	0.8	0.7	0.6	0.5	0.3	0.7	0.6
Laborers	3.5	2.4	4.8	3.7	3.8	1.9	2.2	1.7

Table 3. Mean Earnings, Hours[a] and Wages[b]

	1979			1989			1989-1979		
	Annual Earnings	Annual Hours	Hourly Wage	Annual Earnings	Annual Hours	Hourly Wage	Annual Earnings	Annual Hours	Hourly Wage
Black	$ 11,035	1407	$ 9.12	$ 12,084	1511	$ 8.37	$ 1,049	104	$ (0.75)
Mexican	$ 9,479	1373	$ 7.74	$ 10,255	1463	$ 7.23	$ 776	90	$ (0.51)
Puerto Rican	$ 10,661	1364	$ 8.63	$ 13,510	1554	$ 9.01	$ 2,849	190	$ 0.38
White	$ 11,899	1488	$ 8.55	$ 14,623	1649	$ 9.06	$ 2,724	161	$ 0.51

a. Annual hours are the product of weeks worked times usual hours worked per week
b. Hourly wage is computed by dividing annual earnings by annual hours.

Accounting for 1979 to 1989 Earnings Changes

Table 4 breaks down the increases in mean earnings that occurred between 1979 and 1989 for the four race/ethnic groups into earnings differentials explained by changes in personal characteristics; earnings differentials explained by changes in jobs characteristics; and earnings differentials explained by changes in the returns to a given set of personal and job characteristics. The columns marked (1) in Table 4 present estimates from earnings decompositions based on regressions in which the natural log (ln) of earnings was regressed on measures of personal characteristics. The columns marked (2) present estimates from earnings decompositions based on regressions in which the ln earnings was regressed on measures of personal and job characteristics. These regression results and decompositions are reported in Appendix A. The estimates presented in Table 4 were obtained from decompositions which valued changes in the means of personal job characteristics by the coefficients from the 1979 earnings regression.6

The total earnings differential explained by changes in personal characteristics can be found in column (1) of the row marked "total earnings differential due to changes in means." Results indicate how much the mean ln earnings would have increased if personal characteristics had changed from 1979 to 1989, but job characteristics and how the labor market paid workers with given set of personal characteristics had remained exactly the same as in 1979. Table 4 illustrates that, had this happened, the mean ln earnings would have increased by .159 for African-Americans, by .136 for Mexicans, by .223 for Puerto Ricands and by .226 for whites. That is, earnings would have risen 17% for African-American women, 15% for Mexican women and 25% for Puerto Rican and non-Hispanic white women. Increases in work effort, education, and potential work experience accounted for virtually all of these predicted increases in earnings.7 Changes in nativity and immigration status, language proficiency, marital status, and number of children had very small effects on the change in women's earnings for all four groups of women.

Increases in actual earnings were much lower than predicted earnings changes for African-Americans (.068 vs. .159) and for Mexicans (.053 vs. .137) but were quite similar for Puerto Ricans (.242 vs. .220) and for whites (.226 vs. .195). These large discrepancies between African-American and Mexican women's actual and predicted earnings increases are due

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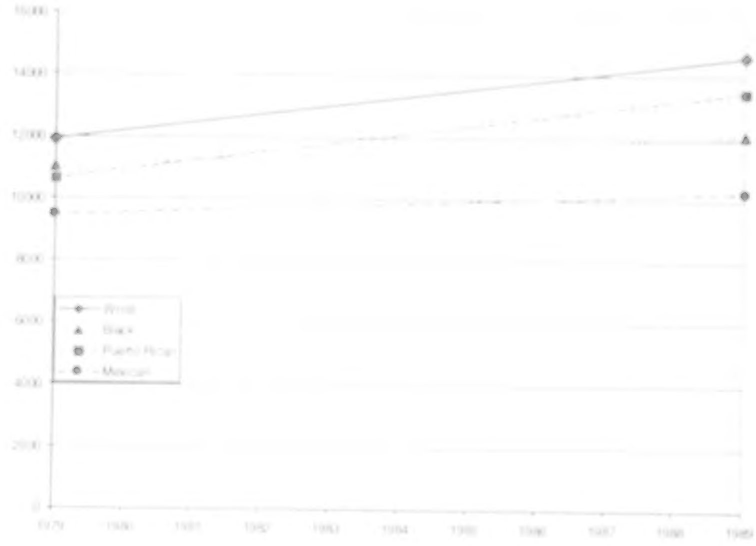
Figure 1. Annual Earnings by Race and Ethnicity, 1979-1989



to the fact both groups of women were less likely to work in the relatively higher paying manufacturing industry and more likely to work in relatively lower paying retail sales and service industry jobs in 1989 than in 1979. When we adjust for both personal and job characteristics, the predicted earnings increases drops from .159 to .126 for African-Americans women and from .137 to .101 for Mexican women. These decreases are driven by changes in the industries in which women worked between 1979 and 1989. However, even after adjusting for changes in job characteristics, the discrepancies between actual earnings changes and predicted earnings increases are still large for African-Americans (.068 versus .126) and Mexicans (.053 vs. .101). Thus, the amount employers paid workers with identical personal and job characteristics changed between 1979 and 1989 in ways that appear to have disadvantaged African-American and Mexican women, but not Puerto Rican and non-Hispanic white women. See the row marked "total earnings differential due to changes in constant and slopes." Our method does not allow us to pinpoint the way in which this occurred in the labor market.

The numbers in this row measure how much mean earnings would have changed from 1979 to 1989 if women's personal and job characteristics had remained constant between 1979 and 1989, but how the labor market valued these changed. These numbers are large and negative for African-American and Mexican women and are small and sometimes positive for Puerto Rican and white women.

Unfortunately, our method does not allow us to breakdown the change in labor market returns by individual variables as we can for change in returns to mean characteristics. Consequently, we are not able to pinpoint how the labor market changed in ways that lowered mean earnings for African-Americans and Mexican women but not for Puerto Rican and white women. Further research is needed into this finding.

CONCLUSION

The labor market successes of women in the 1980's were not equally divided across the four groups of women examined here - African-Americans, Mexicans, Puerto Ricans and non-Hispanic whites. All four groups of women substantially increased the number of hours they worked and their human capital (education and potential work experience) in the 1980's. These increases should have led to large increases in mean earnings for all four groups of women - 15% for Mexicans, 17% for African-Americans, and over 20% for Puerto Ricans and non-Hispanic whites. Whites' and Puerto Ricans' mean earnings did go up by more than 20%, but African-Americans' and Mexicans' mean earnings increased by only 7% and 5.4% respectively.

Why haven't Mexicans and African-Americans seen bigger increases in their earnings? One reason is deindustrialization. African-American and Mexican women were less likely to work in manufacturing industries in 1989 than in 1979, and manufacturing jobs pay relatively high wages. But equally important, the amounts the market paid workers with similar characteristics changed between 1979 and 1989 in ways that lowered the mean earnings of young African-American and Mexican women workers, but not the mean earnings of white and Puerto Rican women.

Table 4.
1979-1989 Earnings Differential Due to Personal and Job Characteristics

	African-American		Mexicans		Puerto Ricans		Non-Hispanic Whites	
Actual change in ln earnings 1979 to 1989	.068		.053		.220		.195	
	Model (1)	Model (2)	Model (1)	Model (2)	Model (1)	Model (2)	Model (1)	Model (2)
Personal Characteristics								
Work effort	.101	.097	.098	.095	.176	.170	.164	.159
Potential experience and education	.054	.044	.036	.029	.072	.060	.066	.047
Nativity/immigration/language proficiency		—	.001	.001	.007	.008		
Family Characteristics	.008	.007	-.002	-.002	-.004	-.003	-.003	-.003
Residential Location	-.004	-.005	.004	.003	-.009	-.007	-.001	-.001
Job Characteristics								
Occupation		.006		-.004		-.002		.011
Industry		-.023		-.021		-.005		-.013
Predicted earnings differential due to changes in mean characteristics $B_{80}(X_{90} - X_{80})$	.159	.126	.137	.101	.242	.221	.226	.200
Predicted earnings differential due to changes in constant and slopes - $(B_{90} - B_{80})^{*} X_{90}$	-.091	-.058	-.084	-.048	-.022	.001	-.031	-.005

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REGIONAL RESTRUCTURING AND WAGE INEQUALITY BY GENDER, CLASS, AND RACE

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ABSTRACT

Two factors suggest the need to analyze economic inequality at the sub-national level: the devolution of policy-making to states and localities and the geographical diversity of local economic conditions across the United States. I use county- and individual-level data to determine the association between various aspects of local economic conditions and wage inequality across 554 labor markets in 1990. To illustrate the main findings from this study, this paper focuses on four cities, each with a different economic character and a distinct structure of inequality. Underscored is the need to disaggregate measures of inequality into separate gender, class, and racial components. This enables policy-makers to discern whether different economic development strategies are likely to reduce some forms of inequality while neglecting or even intensifying other forms of inequality.

I. INTRODUCTION

Although it is relatively common to analyze differences in levels of poverty across regions, states, and cities, and to link these to differences in local economic conditions and policies, research on wages and wage inequality is typically restricted to changes over time in the nation as a whole. It may come as a surprise, then, to discover a rather wide range of variation in gender wage inequality across geographical boundaries. There are at least three reasons why this spatial variation is very useful for thinking about policy issues related to women's employment.

First, the lack of a proactive national industrial policy, the decentralization of decision making about land-use zoning and taxation, and the increasing devolution of political power to the states and localities all suggest that there are important and growing sub-national determinants of economic well-being (Weir 1995). Secondly, it is evident that there is considerable empirical variability in forms of economic development and restructuring, which might help uncover some of the sources of high levels of (in)equality (Markusen 1996). Finally, regional analysis is analytically useful for drawing out the political and policy implications of the relationship between different economic conditions and levels of economic inequality.

While at the most general level I am concerned with the policy implications of the relationship between local economic conditions and inequality, I am also interested in expanding the analysis of inequality to include several different types of wage inequality. Although it might make sense to focus only on the average gender wage gap, I found circumstances in which patterns of gender wage inequality are substantially different for the college and non-college educated. Moreover, spatial patterns of gender inequality are not always the same as spatial patterns of other types of inequality, such as inequality among women by race or education or inequality among men. As a consequence of this variability, I emphasize differences *within* regions in relative levels of gender, class, and racial inequality as well as variability across regions in the relationship between economic conditions and economic inequality.

This approach has been suggested in the cross-national research of Francine Blau and Lawrence Kahn (1995) who have investigated wage inequality among men and gender wage inequality across countries. Their research uncovered an association between lower inequality among men and a smaller gender gap in earnings. I take a similar approach to variation across sub-national labor markets and ask whether lower inequality of one type is accompanied by lower inequality of another type. If not, then measures of Aoverall@ inequality, such as family or male income inequality, are not adequate reflections of the general welfare and well-being of all groups, and policies must explicitly consider the types of inequality that they purportedly seek to redress. I conclude with a discussion of how this may result in conflicts between policies which implicitly or explicitly emphasize one form of inequality over another.

II. DATA AND METHODS

This paper provides a necessarily brief overview of a book-length study of the relationships among multiple components of inequality and regional economic restructuring. I introduce the term *configuration of inequality* to define a unique association between a set of inequalities and some dimension of restructuring. Not all dimensions of restructuring or components of inequality will be discussed equally, and the configurations described in this paper are not meant to be exhaustive. Rather, I orient the discussion around four cities exhibiting four different configurations of inequality. The measures of inequality I present for these four cities are derived from data from the 1990 Public Use Microdata 5% Samples (PUMS) to capture levels of inequality after the sharp increase in most forms of inequality over the 1980s (Karoly 1993). Although the measures are descriptive, these cases are derived from the results of a multilevel (random intercepts and coefficients), multivariate analysis of wages and wage differentials across 554 labor markets in 1990 (McCall 1998a, 1998b). These models estimate a set of wage differentials for each labor market after controlling for a standard set of human capital variables and then measure the effect of several macro indicators of local economic conditions on these adjusted wage differentials. The macro data comes from the 1987 Economic Censuses and the Regional Economic Information System, as well as from PUMS. The macro indicators are grouped into the three categories of trade and technology, insecure employment conditions, and industrial composition and shifts.

The selection of four cities was guided by several criteria. First, each city had to be relatively well-known as a regional economy specializing in some important segment of the economy or having some other characteristic quality of the recent period of restructuring. Detroit is a fine example of this criterion, as it represents the concentration and decline of blue collar, unionized workers in prototypical mass production industries; and Miami was selected because it is widely recognized as an immigrant-rich city. Two, it would be best, for analytical purposes, to avoid regional economies that were a complex blend of factors related to economic restructuring. Most case study research has focused on such economies, namely New York, Los Angeles, and Chicago. I am more interested in isolating, to the extent possible, important elements of a restructuring economy in order to assess their independent effects on inequality. St. Louis was selected for this very purpose because it represents a regional agglomeration of the high-end of the high-technology aerospace and defense industries and is known for little else, unlike Seattle or Silicon Valley. Likewise, Dallas represents a post-industrial service economy which is dominated neither by high technology manufacturing nor immigrants to the same extent as many other postindustrial cities. Third, each of the cities must have actual levels of inequality matching the expected values derived from multivariate analyses. Since the models analyzing racial inequality were not as robust as the others, I was especially concerned to select cities with significant populations of blacks, Latina/os, and/or Asians and with distinct patterns of racial inequality. In addition, inequality should have risen between 1980 and 1990 for most within-gender measures of inequality and fallen for most of the between-gender measures, in keeping with temporal trends.[1] This highlights the extraordinary differences in the levels and struc-

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tures of inequality despite common over-time trends. Finally, cities were selected that could symbolize the economic past (Detroit and St. Louis) as well as the economic future (Dallas and Miami).

III. ECONOMIC RESTRUCTURING AND INEQUALITY IN FOUR U.S. CITIES

I begin with the case of St. Louis, the city perhaps least well-known among the four and a region heavily reliant on the aerospace and defense industries. The St. Louis economy in 1990 should represent the configuration of inequality associated with some of the features of advanced industrial districts formed around large, core, technology intensive manufacturing companies that tend to employ a disproportionately large corps of skilled production, technical, and professional workers. Exactly what kind(s) of inequality is lower in a regional economy such as the one represented by St. Louis? The levels of inequality by gender, race, and class are presented in Table 1 for each of the four cities and the relative levels of inequality are summarized in Table 2. The average levels of inequality in the metropolitan areas of the United States are provided for purposes of comparison. In St. Louis gender inequality is above average across educational groups and educational inequality is lower within both gender groups, though much more so among men. Racial inequality is above average between African Americans and whites, especially among men, while it is below average between whites and Latino/as and Asians. Since a disproportionately small share of the workforce is Latino/a or Asian (1% of all workers), and African Americans comprise the largest share of workers of color (13.7% of all workers), I emphasize the greater levels of black/white inequality in my discussion of racial inequality.[2] Also, blacks are much more likely to be unemployed than are all other groups of workers. The black unemployment rate was 16.7% in 1990, compared to 6.4% overall.

Reduced inequality among men is the main benefit, in terms of equity, of St. Louis' specialization in high technology manufacturing. As the higher levels of inequality between non-college educated men and women indicates, lower inequality among women is primarily a result of fewer opportunities for women workers. This is also one of the primary reasons why racial inequality among women workers is not more extreme, and is actually below average between whites and Asians and Latinas and even registered declines over the 1980s. Black/white racial inequality among women is, however, above average and increased over the 1980s, but it is still much lower than among men (.896 vs. .700), which also increased over the 1980s. With the exception of a small portion of Asians and Latinos who have achieved wage parity with whites, inequality in St. Louis as compared to other regional economies is diminished only among men and then only when racial inequality between whites and blacks is not taken explicitly into account.

Table 1
Gender, Class, and Racial Wage Inequality
in U.S. Metropolitan Areas and Four Cities, 1990 (1995 Dollars)

Wage Inequality Components	U.S. (Metro) (1)	Miami (2)	St. Louis (3)	Dallas (4)	Detroit (5)
(1) Gender					
Female/Male Ratios (higher values = less inequality)					
< 12 Years (LHS)	.684	.734	.632	.777	.586
High School (HS)	.678	.787	.652	.783	.628
College (COL)	.731	.804	.696	.703	.747
ALL	.699	.788	.668	.739	.657
(2) Race					
Female Wage Ratios (higher values = less inequality)					
Black/White	.929	.748	.896	.806	.984
Latino/White	.822	.668	1.03	.691	.917
Asian/White	1.05	.920	.935	.859	1.19
Male Wage Ratios					
Black/White	.748	.621	.700	.648	.790
Latino/White	.699	.610	.975	.574	.857
Asian/White	.913	.762	.957	.778	1.10
(3) Class					
Female Wage Ratios (lower values = less inequality)					
COL/LHS	2.03	2.30	1.87	1.98	2.03
COL/HS	1.68	1.71	1.54	1.50	1.77
90/50th	2.08	2.17	1.93	1.85	2.00
90/10th	4.53	4.88	3.73	3.81	4.29
Male Wage Ratios					
COL/LHS	1.89	2.10	1.70	2.19	1.60
COL/HS	1.55	1.67	1.45	1.67	1.48
90/50th	1.99	2.22	1.81	2.09	1.72
90/10th	4.48	5.00	3.98	4.82	3.95

Notes and Sources: Sample includes part-time and full-time adult working population aged 25-64 with hourly wages between $1.00 and $250.00. U.S. estimates are of employed individuals living in metropolitan areas. St. Louis estimates are of individuals employed and working in St. Louis county and city. Dallas, Detroit, and Miami estimates are of individuals employed and working in Dallas, Wayne, and Dade counties, respectively. Different metropolitan boundaries did not affect the relative ranking of cities. Analyses were run on the smoothed log wage distribution and the measures of inequality were reconverted to dollars. Data taken from the 1990 5% Public Use Microdata Sample of the Census of Population.

While gender inequality is one of the most serious forms of inequality in St. Louis, Miami's immigrant-rich economy has one of the lowest levels of gender inequality in the country and its average gender wage gap is the lowest of the four cities. Among the college educated, gender inequality is especially low, with a female/male wage ratio of .800. Although gender wage ratios are an indication of a greater equality between men and women, they do not necessarily imply that gender is irrelevant to the analysis of inequality. Rather, an environment that is more conducive to gender equality directs our attention to other components of inequality that are more extreme by national standards and may be interacting with gender in locally specific ways. For instance, class and racial inequality are

Table 2
A Summary Comparison of Relative Wage Inequality
in Four Cities, 1990

Type of Wage Inequality	St. Louis (High Tech Mfg.)	Miami (Immigrant)	Dallas (Postindustrial)	Detroit (Industrial)
Educational Inequality Among Men	Lower	Higher	Higher	Lower
Educational Inequality Among Women	Lower	Higher	Lower	Higher
3. Racial Inequality Among Men	Higher	Higher	Higher	Lower
4. Racial Inequality Among Women	Higher	Higher	Higher	Lower
5. Average Gender Inequality	Higher	Lower	Lower	Higher
6. Gender Inequality Among College Educated	Higher	Lower	Higher	Lower
7. Gender Inequality Among Non-College Educated	Higher	Lower	Lower	Higher

both above the national average, among men and women. This configuration of inequality is influenced by the immigrant and racial composition of workers, with a large non-white majority (two-thirds) of workers in the local labor market. Gender inequality tends to be lower within non-white racial groups because of lower wages among non-white men, and, just as important, inequality *within* racial groups is higher in areas with a significant share of low-wage immigrant workers even though whites, and white men especially, disproportionately occupy the best jobs in the economy.

Immigration has figured prominently in explanations of increasing inequality among both academics and commentators in the public media yet among neither has gender inequality been of much interest. Much of the research on immigration emphasizes the employment of poor immigrant women in sweatshops and low-wage factory jobs in import sensitive industries (Sassen 1991). This portrayal of a city such as Miami is largely a correct one, especially when researchers link it to lower gender inequality at the bottom of the income distribution in a low-wage, flexible, and informal labor market. However, levels of class inequality in immigrant rich cities are rarely understood to be characteristic of women as well as men since women are conceived principally in terms of being on the bottom of a dualistic hierarchy. Yet the pattern is much more complex: inequality among women is significantly greater in cities with immigrant concentrations while college as well as non-college educated women take home wages more on par with comparably educated men than in other regions. While, again, it would be inappropriate to declare gender irrelevant, it would also be misleading not to foreground class and racial inequality within gender groups.

The structures of inequality in Dallas and Detroit are more differentiated than those in St. Louis and Miami. Unlike the latter two cities, the levels of inequality between men and women vary from one educational group to another and the levels of inequality between educational groups vary by gender. Also unlike St. Louis and especially Miami, the patterns of male and racial inequality do not follow the same pattern as educational inequality among women B in other words, inequality among women and among men is inversely related (see Table 2). Apart from these similarities between Detroit and Dallas, however, the configuration of inequality in Detroit is the reverse of that in Dallas. Inequality among women and gender inequality among the non-college educated is above the national average in Detroit and greater than in Dallas. Yet at the same time, gender inequality among the college educated is below average and lower than in Dallas, and inequality among men and racial inequality are also both below the national average in Detroit and lower than in Dallas.

The levels and structure of inequality in Detroit and Dallas stem from differences in the structure of the economy and in the composition of the labor force. College educated women's wages are pegged to the middle of a high rent-capturing male wage distribution in Detroit. Their wages are elevated, relative to college educated women in other labor markets, men of all educational levels in Detroit, and non-college educated women in Detroit. Racial minorities who are employed also benefit from a traditional Fordist industrial economy with strong wage-setting institutions. For men this meant employment in skilled and unskilled blue collar jobs. For women this meant employment

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in the professions and management. Without similar institutions, Latina/os and Blacks in Dallas are relegated to a low-wage, flexible labor market in which unemployment is lower, job growth is greater, but racial inequality and inequality among men is also much greater (even after controlling for education). College educated women are also not able to take advantage of high wages at the top of the occupational hierarchy. They, like other women, less educated men, and racial minorities, are at a greater distance from white, well-educated men in the advanced producer and high technology services that dominate the postindustrial base of the Dallas economy.

I have tended to stress the distinctiveness of each case, but there are also important similarities. Dallas and St. Louis both specialize in a segment of high technology industries B aerospace and defense in St. Louis and advanced producer services and to a lesser extent electronics in Dallas. The particular intersection of greater gender inequality among the college educated and lower educational inequality among women dovetails with what are considered the most advanced sectors of the restructured U.S. economy, the segments most likely to bolster the nation's competitive position in the international economy. Therefore we cannot say that regional economies specializing in the most future-oriented segments of the economy are the places where well-educated female professional and managers are closing the gap with similarly positioned men. On the contrary, college educated women are doing well relative to college educated men in those economies represented by Detroit and Miami, which, by one reading, are defined by highly insecure employment conditions. Despite a recent comeback, Detroit's declining auto industry and high unemployment rates are, theoretically, similar in their effects on wages and bargaining to those created in economies with concentrations of immigrant workers. These factors contribute to greater competition among lower-skilled workers in particular and have a tendency to lower relative wages in the bottom half of the wage distribution, particularly among women. The greater relative levels of inequality among women should foreground the problems of the low-wage labor market among women rather than the relative gender equality among the college educated.

IV. POLITICAL AND POLICY IMPLICATIONS

Although gender, class, and racial inequality are all unacceptably high, their levels vary significantly across labor markets with different histories of economic restructuring. Moreover, patterns of spatial variation in levels of inequality are not the same for each type of inequality. The significance of gender, class, and race must be examined on their own terms, distinct from indicators of family or "overall" income inequality, and in relation to broader economic transformations. For example, I have shown where class inequality among women was below average in high technology regional labor markets such as St. Louis and Dallas, but have also argued that these results must be interpreted alongside findings of greater gender inequality among the college educated in these same areas. Likewise, we must consider lower levels of gender inequality among the college-educated in cities like Detroit and Miami in light of the fact that inequality among women by class and/or race is above average. Drawing from my broader research project, in no case is gender inequality below average for both college and non-college educated workers while either or both class and racial inequality among women are below average as well. And this is not even considering patterns of inequality among men, which diverge from those of inequality among women in Dallas and Detroit. These findings make it clear that the significance of gender in the analysis of inequality needs to be interpreted within local contexts of economic restructuring in order to develop a fuller repertoire of political and policy responses to the conditions of women workers in today's economy.

This schematic overview of differences in configurations of inequality in these four cities reveals several reasons why we must think about inequality in terms of the multiple dimensions of gender, class, and race. First, unlike inequality among men, levels of inequality among women must be interpreted in relation to levels of gender inequality B high levels of inequality by gender could be creating the lower levels of inequality among women. If this is the case, a policy focus on gender inequality would be appropriate. In any event, the policy goal should be sensitive to patterns of both gender inequality and inequality among women. Second, the economic conditions that tend to reduce wage dispersion among men may be linked to greater inequality by gender or inequality among women, as in local economies specializing in industrial and high-technology manufacturing. This calls attention to the important role of gender in conditioning policies oriented toward reducing inequality in order to correct for the current overemphasis on inequality among men. Third, lower educational inequality between college and non-college educated women may not coincide with lower racial inequality among women, in which case race must be taken explicitly into consideration when contemplating policies related to reducing inequality among women. Finally, gender inequality may be reduced for the college educated but not for the non-college educated, calling attention to how patterns of gender inequality are mediated by class. The overall implication of these findings is that there must be greater attention paid to the rising and high levels of inequality among women, alongside the current concern over gender inequality by feminists and male wage inequality by most mainstream policy makers and scholars.

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ERASING DISCRIMINATION: TOWARD FAMILY-SUSTAINING WAGES FOR POOR WORKERS

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ABSTRACT

Pay equity is a key strategy for extending a family-sustaining wage to women. We estimate the potential effect of adopting this policy nationwide. Using statistical analysis to measure the negative impact of racial-ethnic and female composition of jobs on pay, we correct for this form of wage discrimination. We focus on a target group, women whose families are among the working poor. Female family heads and wives among the working poor would receive raises of 14.3 percent and 17.2 percent respectively. The estimated percentage pay equity wage increases in occupations that are both female dominated and minority concentrated are even more substantial. The findings are especially relevant as thousands of poor women increase their hours in the labor market as a result of welfare reform.

INTRODUCTION

It is by now well established that women (and men) working in female-dominated occupations earn less than those in non-female-dominated occupations requiring comparable skills, effort, responsibility, and working conditions. Despite the strong arguments that comparable worth is simply a matter of equity, policies to raise women's wages continue to be trivialized. Even though the phrase "pin money" no longer appears in policy rhetoric, women are still viewed largely as secondary earners. Opponents argue that women in female-dominated occupations are in families with relatively high incomes, and therefore do not need the money. They further suggest any economic costs of implementing pay equity would outweigh the social benefits. The same myth is perpetuated in debates over the minimum wage; conservatives contend that the policy will benefit middle-class teenagers and not breadwinners.

In response to these arguments, feminist social scientists and policy activists have long argued that unequal pay for work of comparable value is one of the major causes of female and, by extension, child poverty (for recent examples see Catanzarite and Ortiz 1996, Albelda and Tilly 1997). Working women, especially women of color, are concentrated in low-paid, undervalued occupations. In their interviews with poor women, Edin and Lein (1997) found that trying to support a family with a low-wage jobs meant hardship and financial insecurity. Therefore, pay equity policy is a key strategy for extending a family wage to women's jobs.

In this paper, we analyze the potential impact of a national pay equity policy on a specific target group, women whose families are among the working poor. We define the "working poor" as families with income less than or equal to 150 percent of the appropriate federal poverty threshold. The federal government utilizes poverty lines by family type. Thresholds differ by number of children and even age of the head of the household.[1] For example, for an adult raising two children, the federal poverty threshold in 1992 was $11,304; 150 percent of that equals $16,956. At the 150 percent threshold, a family with two adults and two children who earned $21,342 in 1992 would be among the working poor. Women in these families are breadwinners, whether they share this responsibility with an adult male or head their own families.

INDIVIDUAL AND FAMILY PROFILES

Why are the working poor, poor? Why don't workers earn sufficient income? Kim (1998) effectively demonstrates that the source of the problem is low wages, not insufficient hours worked (see also Levitan, Gallo, and Shapiro 1993). Among those families earning below 150 percent of the federal poverty threshold, 89 percent worked 35 or more hours, and 91 percent worked 49 or more weeks in 1993. She calculates that 68 percent of the working poor (so-defined) would be poor even with year-round, full-time jobs.

One reason for low wages is systematic discrimination in salary-setting for jobs which are female dominated and minority concentrated. Based upon our sample of working women from the March 1992 Current Population Survey, women in female-dominated occupations are more likely to be poor, that is, in families with income less than 150 percent of federal poverty thresholds, than are those in non-female-dominated occupations (14.0 percent compared with 11.2 percent). One-third of women in female-dominated jobs head their own households, and almost one-half have one or more children. The likelihood of being among the working poor is much higher for women in minority-concentrated occupations. Over one-quarter, 25.3 percent, of these women are in families with incomes below 150 percent of the federal poverty threshold, 38.6 percent head their own families, and 50.0 percent have children. In the small group of occupations that are both female dominated and minority concentrated, 27.9 percent of women are below 150 percent of poverty, 39.8 percent are family heads, and 51.3 percent have children.

Looking at our target population, those families with income below the 150 percent poverty threshold, we can see how important women's wages are. Almost three-quarters of the women in these families who are employed in female-dominated occupations are also the sole breadwinners for their families. Their average (mean) family income is only $7,179. For poor husband-wife families where the woman works in a female-dominated job, average income is $11,829. This is far less than the official poverty threshold for that year for a family of four.

MODELING PAY EQUITY BY RACE AND GENDER

In prior research, we have examined what would happen to earnings of incumbents in female-dominated occupations if a national comparable worth policy were adopted. In particular, we measured the potential effects of eliminating the wage penalty against female-dominated occupations on earnings, poverty rates, and inequality among women and between women and men (Figart and Lapidus 1995, 1996). Extending the analysis, we modeled pay equity by race as well as gender. When the penalty associated with being in a minority-concentrated occupation is also eliminated, close to 50 percent of women of color and 40 percent of white women currently earning wages less than the federal poverty threshold for a family of three would potentially be lifted out of poverty (Lapidus and Figart 1998; Figart and Lapidus 1998).

This stream of research focused on the ability of women to earn an hourly wage sufficient to support a family, if they were to work year-round, full-time, because we strongly believe that women's economic independence is an important goal. Our current research modifies this approach in two ways. First, we estimate changes in weekly (as well as hourly) earnings, taking into consideration the number of hours the person usually works per week. Second, we focus on family structure, not just individual earnings.

Using Current Population Survey data, we control for 51 factors that affect individual wages including education, training, age, marital status, industry, size of firm, union membership, work hours, and region[2] the policy on the wages of individuals in our sample. Some of the variables are based upon information from the Dictionary of Occupational Titles concerning job characteristics that are typically controlled for in pay equity studies: educational requirements for the job, such as vocational training, strength, physical demands, and working conditions. These job characteristics are matched to each person's 3-digit (highly specific) occupation.

We also include variables that isolate two forms of discrimination, all else equal.[3] First is a set of dummy variables for the gender and race/ethnicity of the worker. This is a proxy for discrimination against individuals due to their membership in a gender or racial/ethnic group. Significant, negative coefficients indicate the Equal Pay Act and Title VII have not fully eliminated problems such as unequal pay for equal work, discriminatory merit raises, and unequal job assignments. The second set of variables accounts for the percent female and the percent minority in 3-digit occupational classifications. (Due to the limitations of CPS data on the racial/ethnic composition of occupations, percent minority is defined as percent African-American plus percent Hispanic.) These two arithmetic variables estimate "comparable worth discrimination", or discrimination against jobs because they are historically performed by women and people of color. Again, significant, negative coefficients confirm that the skills and working conditions of female-dominated and minority-concentrated occupations are not remunerated at the same rate as other jobs.[4]

$$ln\ W_i = a + bX_i + c_1 Z_M + c_2 Z_F + d_1 R_i + d_2 S_i + u$$

The dependent variable, *ln W*, is the natural logarithm of hourly earnings. *X* is a vector of human capital, demographic, industrial, regional, firm, and occupational characteristics. Z_M and Z_F are the percent minority and percent female in 3-digit occupation respectively. *R* and *S* are dummy variables for individuals who are members of racial-ethnic groups or who are female. The analysis uses ordinary least squares (OLS) multiple regression.

We find the presence of both forms of wage discrimination. Specifically:

If employee is:	Wages Fall:
Female	13%
African-American	8%
Latino/a	7%

For each 10 point increase in:	Wages Fall:
% Female	1.1%
% Minority	4.5%

To model a comprehensive pay equity policy in the U.S., we correct for the second form of discrimination. In other words, we hypothetically award comparable worth wage adjustments to all incumbents in female-dominated occupations (defined as 70 percent or more female) and/or of either race in minority-concentrated jobs (defined as 25 percent or more minority). The definitions of female-dominated and minority-concentrated amount to 1.4 times each groups' participation in the U.S. labor force (see NCPE 1993 for a discussion).[5]

RESULTS: BEFORE AND AFTER PAY EQUITY

Our analysis indicates that the estimated cost of pay equity is 5.1 percent of payroll, assuming that all employers are covered by the policy. These costs are outweighed by the potential benefits of erasing comparable worth wage discrimination. In particular, a comprehensive pay equity policy by race and gender would effectively target women in poor families. These findings are especially relevant as thousands of poor women increase their participation and hours in the labor market as a result of welfare reform.

After pay equity wage adjustments, the average (mean) hourly wage of women among the working poor would be increased 14.3 percent, from $6.00 to $6.86 (see Table 1). The

Table 1
Wages of Women from Poor Families

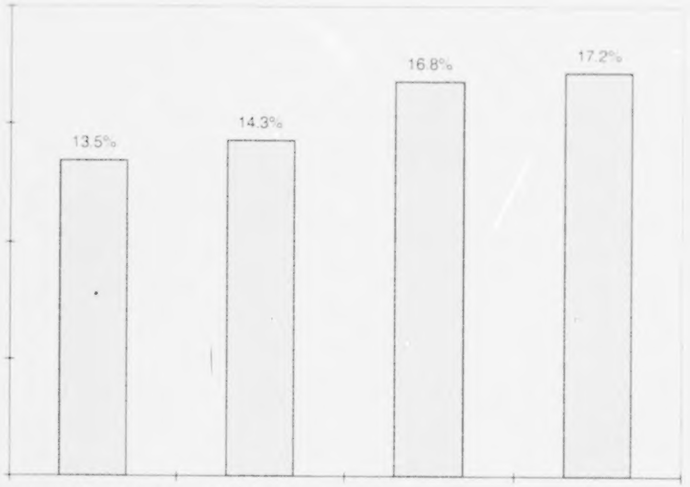
All Races	Before Pay Equity	After Pay Equity	Percent Change
Hourly	6.00	6.86**	14.3%
	(3.32)	(3.10)	
Weekly	190.42	219.16**	15.1%
	(128.30)	(132.04)	
n	975	963	
White Women			
Hourly	5.98	6.78**	13.4%
	(3.56)	(3.25)	
Weekly	184.97	211.98**	14.6%
	(130.26)	(135.59)	
n	572	583	
Latina Women			
Hourly	5.58	6.57**	17.7%
	(2.30)	(2.48)	
Weekly	184.51	218.04**	18.2%
	(95.48)	(100.21)	
n	183	183	
African-American Women			
Hourly	6.25	7.26**	16.2%
	(3.27)	(3.18)	
Weekly	204.75	235.90**	15.2%
	(140.83)	(142.37)	
n	184	182	

Note: Standard deviation in parentheses.
** indicates pay increase is significant at the .01 level (one-tailed t tests).

Sources: Authors' calculations based on Current Population Survey, March 1992, U.S. Department of Labor (1992); England and Kilbourne (1989).

Figure 1

Wages of Women from Poor Families by Family Type



percentage change in weekly wages would be higher at 15.1 percent. Pay equity would benefit working poor Latinas — whose hourly wage is the lowest before pay equity — enormously; their weekly wages would rise by 18.2 percent. Working poor African-American women would see a 15.2 percent boost in their weekly wages, while the comparable worth raise for white women would average 14.6 percent.

Working women contribute to the economic survival of poor families, both in partnership with other breadwinners and as the sole support of their households. Women in the Current Population Survey are categorized into two family types: "husband-wife" and "other female-headed." Female-headed families include single mothers and single women with no children.

As shown in Figure 1, we estimate that both female heads and wives among the working poor would receive substantial raises as a result of pay equity. For working poor wives, who average over 30 hours per week in the labor force, the increase in their mean weekly wage would be 17.2 percent. Their gross take-home pay would climb from $173.73 to $203.15 per week. The average weekly earnings of poor women heading families (who average a 32-hour work week) would rise from $197.87 to $226.23, or 14.3 percent.

Under the new policy labeled Temporary Assistance for Needy Families (TANF), more women, especially family heads, will be joining these working poor women in low-wage jobs. Clearly, many of the occupations most likely to be open to former AFDC-recipients are female-dominated and/or minority-concentrated. We examined a sub-set of these jobs, those 12 occupational categories in our sample that are both female-dominated and minority-concentrated, therefore employing large numbers of women of color. Ten of the categories are service occupations; the remaining two are manufacturing jobs in the textile industry.

Table 2
Percentage Wage Increases in 3-Digit Female-Dominated, Minority-Concentrated Occupations

Occupation	Mean	n
Dieticians (097)	45.3	11
File clerks (335)	21.2	42
Records clerks (336)	23.1	24
Telephone operators (348)	16.7	34
Teacher's aides (387)	21.6	81
Kitchen workers, food preparation (439)	6.6	37
Health aides, except nursing (446)	25.0	68
Nursing aides, orderlies, and attendants (447)	20.1	222
Maids and housemen (449)	7.9	91
Welfare service aides (465)	10.6	17
Winding and twisting machine operators, textiles (738)	2.6	14
Textile sewing machine operators (744)	28.6	104

Note: Private household cleaners are not included due to small sample size.

Source: Same as Table 1.

The legacy of women of color performing paid reproductive labor continues, as the list contains both private household cleaners and servants, and maids and housemen. The job titles listed in Table 2 are indicative of the occupational hierarchies between white women and women of color (Woody 1989; Power and Rosenberg 1995; Glenn 1996). Within the service sector, women of color are disproportionately employed in nonprofessional jobs as "aides" to female-dominated professions: teacher's aides, health aides, nursing aides, and welfare service aides, for example. The clerical occupations that employ women of color tend to be "back-room" positions such as file clerks, records clerks, and telephone operators, rather than secretaries and receptionists. The estimated percentage pay equity wage increases in these occupations are large. The workers in seven of the occupations in Table 2 would receive raises in their average wages of over 20 percent. Dieticians would secure, on average, a 45.3 percent raise! Therefore, as a comprehensive remedy, pay equity has the potential to improve the economic status of women of color as well as white women.

CONCLUSION

In this paper, we have estimated the potential effect of adopting pay equity nationwide to alleviate race-based as well as gender-based wage discrimination. Using statistical analysis, we estimate the negative impact of racial-ethnic and female composition of jobs on pay. Correcting for this form of wage discrimination, we find that implementing pay equity could help extend a family-sustaining wage to a specific target group, women whose families are among the working poor. The estimated percentage pay equity wage increases in occupations that are both female dominated and minority concentrated are substantial. It is clear that comparable worth is an appropriate policy for alleviating both gender-based and race/ethnicity-based wage discrimination, and for reducing poverty among the working poor.

ENDNOTES

[1] The definition of the working poor is subject to debate. While some researchers rely on the official thresholds (Levitan, Gallo, and Shapiro 1993, for example), many researchers argue that 125-to-200 percent of the official level is a more accurate measure of hardship (see Schwarz and Volgy 1992; Jencks 1997; Kim 1998).

[2] Note that the unit of analysis in our study is individual workers with earnings in the survey week. Our methodology differs from workplace-based comparable worth studies, where the job serves as the unit of analysis, because we are estimating the potential impact of

[3] Several studies have used similar models to estimate wage discrimination in female-dominated and minority-concentrated jobs (Berheide et al. 1987; Dill, Cannon, and Vanneman 1987; Sorensen 1989; Tomaskovic-Devey 1993).

[4] The regression model used to estimate the wage penalties is

[5] The total representation of African-American and Hispanics amounted to 17.7 percent (10.1 plus 7.6 percent) of the U.S. labor force in 1992.

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PAY EQUITY IN CANADA: LESSONS LEARNED AND FUTURE DIRECTIONS

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INTRODUCTION

It has now been almost three decades since Canada's Royal Commission on the Status of Women released its landmark report.[1] That report dealt with a wide range of issues, among them the question of why female wage-earners made so much less, on average, than male wage-earners. One result of the Royal Commission's report was ratification by Canada, in 1972, of ILO Convention 100 (the labouriously-titled 1951 *Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value*). Ratification of Convention 100 contributed, in turn, to the adoption of pay equity laws and policies in most Canadian jurisdictions from 1975 forward.

The central purpose of this paper is to return to the fundamental aims of pay equity — its "first principles", so to speak — and use them as a frame of reference to examine the achievements and shortcomings of Canada's pay equity efforts to date, and to reflect upon the "ingredients for success" as we move towards the first century to begin with an explicit societal commitment to equality between the sexes.

What, then, are pay equity's first principles? We would argue that at its core, pay equity is about two critical objectives, one practical, the other more abstract. The practical objective, of course, is to get more money into the hands of women, for in a society where money is (no pun intended) the only source of influence with any real currency, equality has little substance if it is not backed up by bucks. The more abstract (but in some respects, more profound) objective is to alter the way in which people typically view "women's work".

The latter objective reflects the standard point-of-departure for feminist and progressive theorizing; i.e., that social hierarchies are not "natural", but rather are constructed and maintained in the interests of those on top.[2] In the extreme, this position can be problematic, if it is taken to imply that societies can be re-engineered at will[3] or that there is no social reality independent of subjective consciousness.[4] However, short of such extremes, a skeptical attitude towards established social relations is an essential aspect of any effort to advance the cause of equality — which, after all, is at base about redistribution of resources from those who have more to those who have less.

In the pages that follow, we will use these two "first principles" as a basis for examining pay equity models adopted in Canada over the past two decades, exploring which approaches are most likely to produce movement towards greater equality, and assessing the impact of the dominant trends in the economies of contemporary industrial states. We hope that by the paper's conclusion, we will have provided some helpful guidance for those new to the area, and food for thought for the pay equity veterans.

THE CANADIAN EXPERIENCE WITH PAY EQUITY

There is no doubt that a gap exists between the earnings of men and women in Canada. Statistics demonstrate that the wage gap, measured as the differential between the full-time, full-year earnings of men and women throughout this century has varied from 47% in 1911[5], 38% in 1981[6], down to 28% in 1993, back up to 30% in 1994, and down again to 27% in 1996[7].

The costs of the wage gap to women and society are enormous, for example: child poverty has been recognized as directly linked to the financial status of the mother; women in Canada live longer than men and are almost twice as likely to live in poverty in their senior years as men, given the smaller pensions resulting from years in the workforce at lower wages.

Theories abound regarding the cause of the wage gap, some relying on a single factor, such as market supply and demand, other theories positing that the gap is caused by a number of factors, including: different levels of commitment to the workforce between men and women; discrimination by employers in setting wages; and ingrained beliefs regarding the types of jobs women tend to perform.

It is accepted as a matter of public policy in Canada that the wage gap, or at least a substantial portion of it, is due to discrimination requiring some form, or forms of government intervention. Ultimately, initial policy responses endeavoring to close the wage gap proved largely ineffectual. The first "equal pay" law passed in Canada was enacted in Ontario in 1951[8]. It prohibited an employer from paying a female employee less than a male employee for performing the "same" work. Other provinces and the federal government soon followed suit, providing equal pay for men and women performing the "same" work, or the "same or similar" work, in the same establishment, or workplace. Ontario later amended its legislation to cover the performance of the "same or similar" work[9].

The limitations of "equal pay" laws in eliminating the wage gap soon became apparent. Firstly, equal pay laws are applicable only in workplaces where both men and women are employed, and performing the same or similar jobs, ignoring the fact that men and women tended to perform different jobs and often in different workplaces. Thus the wage gap remained unaffected by equal pay legislation. The problem of unequal pay for women went far beyond such isolated cases of direct discrimination and extended throughout the workforce. Indeed, studies have shown that a significant component of the wage gap is due to occupational segregation, much more so than the direct wage discrimination targeted by equal pay laws[10].

Secondly, equal pay laws failed to account for the fact that the jobs women tended to perform were paid substantially less than "men's jobs". The lower pay attached to female dominated jobs arose due to assumptions about women workers: that "women's work" came naturally to them as it paralleled "domestic" duties; that women only worked for "pin money", while men were the family breadwinners; and that women belonged in the home and would not be committed to remaining in the workforce.

Other studies have shown that, as recently as the 1980's, all of the ten highest paid occupations in Canada were heavily dominated by men (example: doctors, lawyers, dentists, pilots, optometrists), while eight of the ten lowest paid occupations were female dominated, with childcare being the lowest paid occupation of all[11]. Even within broader occupational categories, women tend to be segregated in specific occupations with lower pay than men. In the retail and sales sectors, for example, women tend to be employed as checkout clerks in supermarkets, while men tend to be employed in the higher paid stock clerk positions[12].

The *Ontario Green Paper on Pay Equity* estimated that direct wage discrimination accounted for only 13 percent of the wage gap in 1980. Almost 40 percent of the gap was estimated to be due to a combination of occupational segregation and the undervaluation of the type of work women tended to perform[13]. As noted earlier, equal pay laws failed to deal with either of these problems.

Thirdly, from a procedural (rather than conceptual) point of view, equal pay laws rely upon individual complaints from female employees who know or suspect they are being paid less than male employees, and who are willing to bring their complaints forward. However, in most workplaces in the 1950's, and even today, a "cone of silence" often hovers over the discussion of wages amongst employees; in some workplaces, it is actually forbidden to discuss one's wages with another employee.

The focus on individual complaints makes "class action" claims difficult and remedies are usually awarded only to the individual complainant, even though other employees might be affected by the same discrimination.

Finally, enforcement of most equal pay laws has tended to be less than rigorous.

Recognition of these shortcomings led equality rights activists to lobby governments for a broader approach to closing the wage gap. In 1984, a federal Royal Commission appointed to study Equality in Employment recommended that the wage gap be addressed by a comprehensive strategy to eliminate discriminatory employment barriers and practices[14]. The Report focused primarily on barriers to accessing employment for women and other disadvantaged groups, and on occupational segregation. The Report also recognized that while it is fine to encourage women to enter occupations traditionally dominated by men, many women will continue to work in female dominated occupations and should not be penalized with discriminatory wages for doing so. By extension, any comprehensive strategy to close the wage gap must include a remedy for the discrimination in wages provided to the "segregated" occupations dominated by women.

This report added to the pressure for a fairly expansive "equal pay for work of equal value" policy to combat that part of the persistent wage gap which was due to the combined effect of occupational segregation and the undervaluation and underpayment of the jobs women tended to perform. An "equal value" approach recognizes that a substantial portion of the wage gap is due to systemic, rather than intentional, discrimination.

In principle, Canada was already committed to the "equal value" concept. In the decade from 1972 to 1981, Canada undertook several international commitments to provide equal pay for work of equal value: in 1972, Canada ratified ILO Convention 100; in 1976, it acceded to the United Nations International Covenant on Economic, Social and Cultural Rights; and in 1981, it ratified the UN Convention on the Elimination of all Forms of Discrimination Against Women.

Despite these international commitments, Canada's constitutional division of powers meant that it was up to the individual provinces to adopt equal value initiatives or legislation in their own jurisdictions which would meet the country's international obligations. The federal government and the province of Quebec led the way in 1977 by incorporating "equal value" provisions in the *Quebec Charter of Human Rights and Freedoms*[15], and the *Canadian Human Rights Act*[16].

The model housing the "equal value" provisions was still based on individual complaints (the complaints-based model). Two other "equal-value" models have been adopted in other jurisdictions in Canada: a pro-active legislative model; and a policy-based model, without a legislative base. Each of these models has benefits and shortcomings. To some extent, the pro-active legislative model was adopted in response to criticisms of the complaints-based model, and the policy-based approach was adopted in response to criticisms of both legislative models.

In Canada, "equal pay for work of equal value" initiatives became known collectively as "pay equity", whereas in the United States, such initiatives are generally known as "comparable worth". Fudge and McDermott distinguish between the two terms, suggesting that "pay equity" focuses on the *goal* of ending wage discrimination, whereas "comparable worth" focuses on the *process* for ending wage discrimination[17].

Whatever the moniker, the "equal value" approach focuses, as its name suggests, on the determination of the relative value of the work performed by men and women. The function of a job, its title and formal description ostensibly become less determinative of the appropriate wage level. As a result, job evaluation systems become important tools, as it is assumed they determine value and corresponding wages in a theoretically more objective fashion by focusing on job duties and responsibilities, rather than on the incumbents or their gender.

Proponents of "equal value" programs initially hoped that utilization of job evaluation systems would provide a firm basis for resisting market theory arguments. After all, job evaluation systems had been in use for many years as a management tool to determine and justify wages. Ironically, it was precisely this reliance on job evaluation that later formed the basis of many proponents' dissatisfaction with equal value programs[18].

Complaints-Based Legislation

Complaints-based "equal value" legislation tends to be relatively straightforward, and bears much in common with "equal pay" legislation. Section 11 of the *Canadian Human Rights Act* is typical of the complaints-based model,[19] requiring employers to provide equal pay for male and female employees performing work of equal value in the same sector, and providing employees with a right of complaint against unequal pay practices. Certain exceptions may justify otherwise discriminatory pay practices: for example, temporary skills shortages, merit, or training and development programs.

Complaints-based models in Canada have been established within the framework of human rights legislation and administered by human rights commissions, which generally have authority to investigate complaints and to present substantiated complaints before a human rights tribunal for a final and binding decision. Investigations are usually initiated by a complaint, usually from an employee or bargaining agent, and remedies are specific to the individual job in question.

Many of the limitations of "equal pay" legislation are also applicable to this type of "equal value" program. Experience with the federal legislation has shown that: investigations are time-consuming and costly; employers are resistant to any claims that their pay practices are discriminatory, and complain of disadvantage with competitors who have not been subject to requirements to adjust wages upwards; few complaints are laid by individual employees[20], and individual complaints, even if successful, do not solve the wage gap problem throughout a workplace, which may therefore be subject to successive complaints regarding different groups of employees.[21]

While some employers have adopted equal value practices throughout the workplace as a result of a complaint, either of their own volition as part of a settlement, or because of the prodding from the federal department of Labour, implementation of equal value at the federal level has been haphazard. Further, there is no explicit requirement within the complaints-based model for a bargaining agent to negotiate equal pay for work of equal value. Unions often find themselves in the role of complainant in order to win equal value for its female membership, which as a strategy can be counter-intuitive to its obligations to represent the interests of *all* of its members.

A recent decision of the Federal Court of Canada[22] further limited the ability of bargaining agents to file equal value complaints under the *Canadian Human Rights Act*, by requiring unions to have the signed permission of each of its members in a job class before the union can advance a complaint regarding that job class. More significantly, the judge in the case found that unions were prohibited from bringing equal value complaints regarding job classes whose wages the union participated in negotiating.

The court's decision also created waves for the Canadian Human Rights Commission, by finding that the Commission exceeded its jurisdiction in considering a systemic remedy for the complaints, when, in the court's opinion, the *Act* only permitted consideration of discrimination between specific comparators. While this decision is currently under appeal, pay equity advocates remain concerned about its impact on future cases.

Clearly then, the complaints-based mechanism has not been the most effective method to achieve equal value results, even though the equal value approach was broader in scope than equal pay. The focus on individual complaints required clear evidence of discrimination by the employer, and even though intent might not be an issue, employers still experienced the complaints process as finger-pointing targeted against them by female employees and the Commission itself.

The Canadian Human Rights Commission has recommended for more than a decade that the *Canadian Human Rights Act* be amended to include a more proactive, systemic approach to achieving equal value. The federal government may launch a review of the *Act* this fall which would open the door to such amendments.

Proactive Pay Equity Legislation

In light of the experiences with complaints-based equal value legislation, some jurisdictions began to consider a more systemic strategy to resolve pay equity issues. As the 1984 Royal Commission report proclaimed, systemic discrimination requires a systemic solution, and it was clear that a mechanism based on individual complaints was not a systemic solution that would reduce the wage gap in any significant sense.

A legislative model requiring the gradual achievement of equal pay for work of equal value by an entire sector, or sectors, of employers, was developed to provide a more systemic solution to the wage gap, and became known as the "proactive pay equity" model. Providing a level playing field for all employers and their employees within a given sector, the "proactive" model shifted the focus from appearing to blame individual employers for their pay practices, to requiring employers to take concrete steps to develop systems to eliminate systemic wage discrimination in their workplaces. The burden of proving discrimination therefore is also shifted from the individual complainant, since the proactive model takes as a given the existence of gender wage discrimination across the workforce.

Six jurisdictions in Canada have adopted the proactive model[23], with some variations. Certain components of the model, however, are typical to most jurisdictions. Given that the model sets out concrete steps for employers to take in order to provide pay equity in the workplace, the proactive legislative model is necessarily more complex than the complaints-based model, and in every case is housed in its own statute, rather than as a provision in human rights legislation.

Coverage:

Employers: coverage varies: all six jurisdictions include the public service; all except New Brunswick include the broader public sector; and Ontario and Quebec include private sectors employers with ten or more employees. Even with such broad coverage by the Ontario and Quebec statutes, the great majority of women workers are excluded from pay equity because they work in small, private sector companies.

Job Class: all six jurisdictions have a percentage threshold for determining the gender predominance of a job class. Typically, 60% of incumbents in a job class must be female for a job class to be female, and 70% of the incumbents must be male for a male job class. Three jurisdictions only apply to job classes with 10 or more incumbents[24], which obviously excludes a large group of employees, and could be the source of artful manipulation to avoid large pay equity increases.

Establishment:

Comparisons between female and male job classes are generally limited to each "establishment" (defined as all employees of an employer within a geographic region, such as a municipality, county, or district). Comparisons across establishments are not required, excluding the impact of pay equity from workplaces that are predominantly female[25].

Steps required:

Plans: Typically, the proactive pay equity model requires employers to prepare pay equity plans, which must be negotiated with any bargaining agents, for each of their workplaces. Plans must be posted in the workplace where all employees can have access. Most jurisdictions require plans to be filed with the government agency responsible for pay equity[26].

Job evaluation: employers are required to use a job evaluation or comparison system to evaluate job classes on the factors of skill, effort, responsibility and working conditions, and to compare the female job classes to the male job classes. Ontario and Quebec require that the system and its application be "gender neutral". Gender neutrality was not defined in the Ontario statute, which resulted in much litigation during the early 1990s that produced some helpful caselaw[27]; still, gender neutrality remains one of the more elusive and difficult concepts in pay equity.

Comparison Methodology: there are three methods used in Canada.

- the *"job-to-job"* method of comparison is most common, requiring direct comparisons between female and male job classes of equal or comparable value. The job-to-job method has the advantage of making comparisons visible. However, some female job classes are excluded from the benefits of pay equity because there is no equal or comparable male job class ("male comparator") in the same establishment, even though an overall pattern of gender wage discrimination may exist in the establishment. The Ontario model has been criticized for setting a minimum standard for pay equity adjustments to the lowest paid male comparator, where more than comparator is available. Interestingly, because many female job classes work in groups distinct from male job classes, employees frequently complained about their pay equity results as compared to *other* female job classes.
- the *"proportional value"* or *"wage line"* method filled in the gaps left by the job-to-job method, as it allowed female job classes to be compared to the male wage line, which captured the pattern of compensation for male job classes in the establishment. While this approach made the comparisons between female and male job classes less direct and obvious, it provided pay equity results to more female job classes.
- the *"proxy"* method, only applies in Ontario to public sector employers with too few or no male job classes to permit reliabe comparisons for all its female job classes. These employers are required to compare their female job classes to similar female job classes in other public sector organizations which had sufficient comparators. Employers covered by "proxy" have complained that the method is awkward and complicated, and that they are reliant upon unpredictable public funding for most, if not all, salary dollars and therefore for pay equity increases.

Phase-in of pay equity adjustments:

Employers are generally permitted to phase in adjustments at a minimum rate of one percent of the previous year's payroll, until pay equity is achieved. Ontario requires the public sector to achieve pay equity by January 1, 1998, even where the total amount of adjustments in 1997 may be greater than one percent of payroll.

Has the proactive equal value model worked?

Experience in Ontario, with the longest history and the most comprehensive proactive legislation, indicates mixed results. The *Green Paper on Pay Equity* speculated in 1985 that pay equity policies could result in an increase of women's average wages to between 70% and 80% of men's wages, from the 62% average women's wage in 1981. In fact, as indicated by the wage gap figures quoted on page two above, the average women's wage in Canada in 1996 was 73% of men's wages.

The difficulty is, of course, that there is no direct evidence that pay equity legislation has played any part in reducing the wage gap. Many other factors have operated to influence the rise of women's wages in relation to men's wages, not the least of which is an overall decrease in men's wages since 1990, due to the decline of the manufacturing sector in Canada. The lack of a requirement to file pay equity plans with the Pay Equity Commission has removed a vital opportunity to determine the overall impact of the legislation.

The Commission reports only anecdotal evidence of pay equity adjustments in organizations it has dealt with in the course of investigating complaints, or mediating plan negotiations between employers and unions.[28] There is some evidence, however, that generally speaking, female job classes faired better in the public sector, and where they were part of a bargaining unit represented by a union.

The Ontario legislation is routinely criticized for its complexity[29], to the point where many pay equity advocates might throw their hands up in despair and wonder if it is worth having at all. The reliance on job evaluation is viewed by many advocates as a real problem, particularly with its focus on dissection of jobs and attribution of value to discrete parts of jobs in order to assign value to whole jobs. One study[30] of an Ontario organization reported a "pay equity paradox": while pay equity was a success in the sense of providing wage increases to a substantial number of employees, *gender* disappeared as an issue in the process. Employees related their job's value to their neighbour's, regardless of the required male to female job comparisons, and became upset if the traditional hierarchy changed their relationship to other jobs within their work unit.

It is easy to lose sight of the first principles of equal pay for work of equal value, or pay equity, when one is mired in the technical details of implementing the legislation or complying with its obligations. However, our view is that many of the frustrations with the legislative models are related to a less than perfect environment for the achievement of pay equity. Whether this means that the effort itself should be abandoned is highly debatable.

Policy-based Approaches to Pay Equity

British Columbia, Newfoundland and Saskatchewan have adopted pay equity as a policy for the public service, and have sought to negotiate pay equity with their various unions, mostly within the context of collective agreements. This policy-based approach allows maximum flexibility in negotiating pay equity agreements, without cumbersome and detailed legislation. However, as with any government policy, there is no guarantee that results will be maintained in the future, particularly as the governing party may change following an election.

British Columbia's efforts to achieve pay equity through policies and collective bargaining have been especially successful. This outcome can be attributed largely to the province's high rate of unionization and the highly centralized collective bargaining structure in the public service[31]. The "Policy Framework" adopted in September 1995, together with a commitment of government funding to redress low wages in the predominantly female health and social services sector, resulted in sizeable wage increases otherwise unheard of in the 1990's[32]: 48.8% to Home Support Workers; 33.4% to Resident Care Aides; and 34.7% to Clerk 3 in direct government (18% directly due to pay equity).

British Columbia's "Policy Framework" sets out certain key principles or mandatory requirements for pay equity negotiations, including standards of gender neutrality, the rate of adjustments and a requirement to have pay equity plans reviewed by the Public Sector Employers' Council[33]. However, certain issues remain, despite British Columbia's apparent success. For example, the fact that ultimate responsibility for pay equity rests with the Employers' Council raises concerns regarding the Council's inherent conflict of interest position and consequently, its ability to uphold standards of gender neutrality in the absence of legislation. Perhaps more significantly, the success of the policy-based approach in a highly unionized public sector, where employees' interests are represented both in negotiations and in grievances and arbitrations, does not necessarily imply an ability to achieve similar success for women in non-union workplaces, where the majority of underpaid women work.

Just Give Us the Money!

Given the complexity of the proactive pay equity legislative model, and the mixed results and experiences with the Ontario legislation, a number of activists have questioned whether there are not simpler and more direct ways to affect the wage gap. They returned to the first principles of pay equity and concluded that there had been little deep change, either in reducing the wage gap, or in altering the social consciousness with respect to valuing women's work.

The reliance on job evaluation and its technical aspects was a primary concern, particularly as job evaluation remained a management tool with little or no involvement of employees in designing or applying the tool, particularly where no union was involved. The Ontario model does not require employee committees to be established and participate in the process, nor does it require the employer to educate its employees about pay equity and job evaluation. The Pay Equity Commission provides educational seminars, and actively encourages employers to obtain employee input through committees. However, getting the message out to non-union employees is a real challenge.

The focus shifted, then, to a "Just Give Us the Money!" strategy, aimed, as the name suggests, directly at lobbying for increased wages for women[34]. Such strategies have focused on: pressing governments to raise the minimum wage to 60% of the average industrial wage and to expand labour legislation to allow greater unionization in workplaces where women are historically difficult to organize (for example, by permitting unions to organize small workplaces on a sectoral basis)[35]; and developing collective bargaining strategies designed to equalize base rates for female and male job classes, to remove increment steps in wage increases based on length of time on the job, and to switch from across-the-board percentage increases, which widen the wage gap, to flat dollar amounts.

Although the "Just Give Us the Money" approach advocates non-technical methods of closing the wage gap, which are important and key to successful achievement of one of our "first principles", it does not provide a real means of achieving equal pay for work of equal value. It is simply impossible to achieve pay equity without determining the value of female and male job classes. Determining value is a technical exercise, and a rather difficult one at that, which by necessity attempts to measure more objectively what is perceived subjectively.

RECIPE FOR EQUITY (SERVES MILLIONS)

Having concluded that "just give us the money" works better as a cry for justice than a comprehensive policy program, we now turn our attention to the combined "lessons learned" from the Canadian experience with pay equity. Our purpose in doing so is to grapple with the following question: what would the components of an "ideal" pay equity model be, assuming that we define success as progress towards the first principles identified in the introduction?

While it is difficult to provide an exhaustive response to such a far-reaching question (and we make no claim to do so), we would suggest that anyone seeking to develop an effective law or policy for promoting wage equality and the recognition of "women's work" must ensure that the mix includes at least nine basic ingredients: clear delineation of the boundaries of permissible job comparisons; standards for the minimization of gender bias; use of the broadest possible comparison methodologies; time frames for implementation; mandatory union involvement; a requirement for long-term maintenance; an independent, well-funded compliance mechanism; an emphasis on education; and the active pursuit of — and recognition of inter-relationships with — other equality-promoting policies, including employment equity (affirmative action), increases in the minimum wage, public support for child care, and workplace accommodation of family responsibilities. Some of these ingredients are rather technical; others are more general in nature. We will now briefly discuss each in turn.

Boundaries for comparisons

A clear and purposive delineation of the boundaries for comparing predominantly-female and predominantly-male jobs is indispensable if a pay equity law or policy is to be functional. Clarity is important because of the extensive litigation and delay which can result from ambiguity on the all-important question of who may be compared with whom.[36] A purposive approach is necessary in order to avoid the risk of adopting seemingly commonsensical interpretations of words such as "employer" and "establishment" which, in practice, prove exceedingly restrictive — and so, end up denying a remedy to employees in mostly-female positions.

This does not, of course, negate the necessity of demarcating the scope of allowable comparisons. People do work for different organizations with different pay philosophies, different human resources systems, and different sources of revenue, and few explicit linkages. In a relatively decentralized market economy such as Canada's (or the United States'), it just would not make sense to permit someone working for, say, a local not-for-profit retirement home to compare their job value and wages with someone employed by Westinghouse.

That being said, simple logic and hard experience show that it is very detrimental to pay equity if the limits which are enacted are overly narrow. Ideally, then, pay equity laws and policies should permit job comparisons within the widest framework which can be reasonably defended. This usually means comparisons between jobs whose incumbents work for the same *employer*, with "employer" broadly defined according to criteria such as ultimate financial authority, and the final approval level for overall wage and human resources philosophies. Restrictive criteria such as collective bargaining structures or geographic location should be avoided in any definition of employer, as they seriously impede the potential for pay equity comparisons — especially given the fact that they sometimes correlate with the gender segregation of the workforce — and thus, they undermine efforts to improve women's wages and the attitude towards "women's work".

Gender neutrality

The notion of "gender neutral" job evaluation systems has achieved wide acceptance in Canada in recent years, though it continues to be the subject of debate — and less-than-benign neglect — in some quarters. To be fair to the critics, it is a truism that one cannot speak of gender neutrality as some sort of empirically demonstrable ideal state. Job evaluation, after all, is not about identifying the "objective" worth of work, but rather, about ensuring that subjective values are carefully scrutinized and consistently applied.

Given the inherent contingency of job evaluation, is it really possible to speak of gender neutrality? We would argue that it is not only possible, but essential — provided that people understand the practical meaning of the idea. Gender neutrality is not a static state that can be easily apprehended and measured, but shorthand for a series of measures that minimizes the effects of the traditional tendency to disregard or devalue much of the work that women do. These measures include: constructing job evaluation systems which take full account of oft-overlooked aspects of typically predominantly-female work, such as repetitive motion and empathetic listening; ensuring that examples used to illustrate the intent of various evaluation factors are drawn from both predominantly-female and predominantly-male jobs; using carefully-designed tools to collect complete, accurate, and consistent information on the work performed by different employees; setting up balanced committees (men and women from various levels in the organization) to conduct evaluations; and providing all participants in the process with training to sensitize them to the historical under-recognition of women's work.[37]

Although somewhat technical, steps of this nature play a crucial role in ensuring that pay equity initiatives actually produce enhanced awareness of the work women do — awareness which is translated into better wages. As such, they should, wherever possible, be explicitly required by pay equity laws or policies, not merely recommended *ex post facto* by regulators or consultants.

Comparison methodologies

Once the relative worth of women's and men's jobs has been assessed using a job evaluation system, it becomes necessary to find some quantitative method for comparing job values and wages. Here, again, experience has shown that greater clarity at the front end helps avoid drawn-out, counter-productive argument later in the process. As a general rule, it is best to mandate techniques which employ broad averaging (usually through regression analysis techniques) wherever there is a sufficiently large number of jobs to support such an approach, and direct comparisons between individual jobs where the total number involved is relatively small. The advantage of averaging is that it provides a truer picture of the overall relationship in the organization between job values and pay, smooths out discrepancies and anomalies, and averts debates about which potential comparator job ought to be used.[38] Where averaging is not possible, guidance should be provided on how close in value a job must be to be treated as comparable and which job(s) should be used for comparisons if there are more than one available. For example, rather than using the lowest paid of several comparable male job classes, the job rates of all the "male comparators" can be averaged to provide the appropriate target pay equity job rate for a female job class.

Time frames

As noted in our overview of implementation models, Canada has had experience with both complaint-based (reactive) and deadline-based (proactive) approaches. Among those whose priority is improving wage equality and enhancing recognition of work performed mainly by women, a clear consensus in favour of the latter approach has emerged.[39] Without compulsory time frames, the temptation to postpone the reckoning can be too strong for many employers (and sometimes, unions) to resist. In addition, a reactive regime tends to produce uneven results, with some employers and industries the target of pay equity complaints far more than others simply because their employees are represented by unions with an interest in the issue.

There is no hard and fast rule regarding the length of time that should be granted from passage of a pay equity statute until the required date for completion of a pay equity plan or the actual achievement of pay equity.[40] Given the potential complexity of those processes and the breadth of the changes they can spawn, however, there must be ample lead time along with clear milestones — to ensure that things do not just get under way at the eleventh hour. Also, in the interests of both compliance monitoring and learning, it generally makes sense to have staggered deadlines, whereby certain classes of employers (generally, the larger ones) are obligated to reach the finish line before others.

Union involvement

Unions can be ambivalent about pay equity. On the one hand, they have a commitment to social justice and reducing income differentials — attributes which naturally lend themselves to support for any program to improve women's wages. On the other hand, they can be very sceptical about job evaluation — which has traditionally been an employer tool to rationalize hierarchies — and rather embarrassed by wholesale challenges to wage rates set through collective bargaining. But for pay equity to work in unionized environments, it is essential that bargaining agents be actively involved, given their central role in wage determination, their intimate knowledge of work content, and their ability to advance employee "buy-in". Experience shows that pay equity initiatives which exclude unions are less likely to succeed that those which include them.

For this reason, pay equity laws and policies should unambiguously provide for full participation by bargaining agents at all stages, and should spur constructive involvement by restricting a bargaining agent's ability to contest pay equity-based wage relativities if the bargaining agent has refused to participate. Pay equity laws and policies should also include a special dispute-resolution mechanism, to ensure that collaboration does not collapse at critical junctures.[41] Finally, they should create some "distance" between joint efforts on pay equity — which can only proceed where a relatively cooperative spirit prevails — and the general collective bargaining process — which, needless to say, tends to be more adversarial.

Maintenance

Achieving greater wage equality is one thing; maintaining it is another. In several Canadian jurisdictions, gains by predominantly-female occupations have been accomplished after a great deal of effort, only to be eroded in the years that follow. Often, when pay equity policies and laws are being formulated, maintenance seems a distant concern that can easily be left to the side. Doing so, however, can mean that improvements in women's relative wage position and in conventional views of women's work can be ephemeral. If our goal is not merely short-term raises, but also more fundamental and abiding change, time is required so that the roots of that change may grow deep. Superficial advances are vulnerable to the forces of ingrained economic relations and social attitudes — forces that, by their nature, press, in the first instance, for the reinforcement of traditional hierarchies. But given time, those forces can abate and shift direction — and the advances become more enduring.

In practical terms, maintenance generally means two things: establishing an ongoing link between the pay of predominantly-female and predominantly-male jobs found to be of equal values, and periodically re-evaluating the relative worth of work to take account of changing job content and shifting values.

Compliance mechanism

Having dealt with some of the more technical lessons from the Canadian experience (which were no doubt of interest to practitioners and activists, but a tad tedious for other readers), we now turn our attention to a number of wider issues. The first relates to the mechanism for ensuring that parties covered by a pay equity law or policy fulfil their obligations. Based on the history in Canada, we can say that the effectiveness of such a mechanism depends upon three qualities: independence, secure and sufficient funding, and expertise.

The need for independence stems from the contentious nature of pay equity (efforts to depoliticize it notwithstanding). Where a body with monitoring and enforcement powers is tied too closely to government, the urge to reign that body in as a response to external pressures can be difficult for politicians to resist. Thus, it is critical that some sort of buffer, in the form of institutional autonomy, be created in order to raise the cost of interference — and thus, minimize the likelihood of its occurring. Two key aspects of institutional autonomy are long-term appointments of the organization's leaders (appointments which should, by law, be very hard to rescind), and submission by the organization of regular public reports to the most senior level of government (the legislature in Canada).

Secure and sufficient funding is related to independence, as there is no more efficient means of clipping an agency's wings than starving it for resources. Here, the key is establishment of a fair, transparent, and more or less fixed funding formula which is largely immune from the vagaries of irate politicians and budget-slashing accountants in treasury departments.

Expertise may seem like a rather self-evident prerequisite, but it is not always easy to assure in the pay equity context. The challenge stems from the fact that pay equity is a matter both of labour relations and of fundamental rights — and that the ontological frames for these areas diverge in important ways. The former involves the fluid give and take of collective bargaining, where unpredictability and volatility reign, along with the finer points of compensation practice. The latter involves a commitment to notions of universality and inviolability, where logical extrapolations and unequivocal certainties hold sway, along with a preference for general principles.

These differences are not merely theoretical; they affect the day-to-day work of compliance agencies. In Canada, bodies with strength in labour relations issues have sometimes been faulted by pay equity advocates for being altogether too willing to cede ground when it comes to accomplishing real change in the face of employer (and sometimes union) recalcitrance. Meanwhile, human rights bodies have sometimes been accused of inadequate grounding in technical matters and a counter-productive lack of flexibility on questions of implementation. Ideally, then, any mechanism established to oversee pay equity should attempt to integrate technical specialization, appreciation for the dynamics of labour relations, and an unwavering commitment to certain *sine qua non* tenets. In part, this is achieved through mixed staffing; in part, it is the result of the vision and guidance provided by the organization's leadership.

Education

Because pay equity's fundamental objectives relate not only to increasing wages, but also to changing beliefs and attitudes, it is critical that any pay equity law or policy be underpinned by an effective education program. Now and again, it is suggested that pay equity can best be achieved through low-profile processes managed by specialists. This sort of equality-by-stealth unquestionably has its advantages, especially in terms of diminishing the effects of knee-jerk antagonism and reasoned incredulity. But, as with other questions discussed above, the respite afforded by short-term avoidance can come at too great a price over the long run. Only by explaining the rationale for pay equity and highlighting the ways in which predominantly-female work has traditionally been under-recognized can effective results be attained and then sustained.

Related policies

Pay equity does not exist in a vacuum — it is one public policy initiative of many aimed at improving women's equality in the workplace. Canada's experience suggests that changes in wage relativities and attitudes about women's work will be more significant and durable if pay equity is understood in this holistic manner, rather than conceptualized and implemented in isolation.

The key policies to which pay equity is linked are employment equity (affirmative action), improved minimum wages, public support for quality child care and obligatory accommodation by employers of family responsibilities.

Employment equity — Canada's variation on affirmative action — is about ensuring that women (and other disadvantaged groups) get more opportunity to access jobs previously the preserve, for the most part, of white men without disabilities. As such, employment equity helps to advance the cause of greater wage equality between the sexes by giving women access to higher-paid, traditionally-male occupations. Some critics of pay equity argue that this should be enough and, sometimes going a step further, contend that pay equity actually undermines the achievement of employment equity by reducing the incentive for women to make the jump from traditional jobs. But this logic can also be turned around, for as long as predominantly-female jobs are under-valued, the qualifications and abilities of workers in them will continue to be perceived as low — and thus, the readiness of employers to seriously consider opening other doors to those workers will be limited. Moreover, as the relative pay of traditional women's jobs improves, the appeal of those jobs to men should rise — thus gradually reducing the gender-based segregation of work and so, advancing (albeit indirectly) employment equity.

At the same time, it is important to remember that, given the degree of gender concentration that currently prevails, even the most successful employment equity program would not eliminate occupational segregation for at least a generation. It would hardly be fair to ask women to accept paltry wages for decades just to make their sisters and daughters a little more desperate to change jobs. Finally, and perhaps most importantly, pay and employment equity share one very basic aspiration: to eliminate the fallacious link between gender and work. Pay equity does so by encouraging people to remove their blinkers and examine the value of the work performed by clerks and nurses in the same manner as the work performed by drivers and technicians; employment equity does so by allowing women to be welders, cops, and senior managers if such is their wont. Taken together, the two policies effectively challenge the gendering of work and, in so doing, expand individual choice.

Raising the minimum wage is another public policy initiative which dovetails with pay equity. This is a "women's issue" because of the disproportionate percentage of minimum wage earners who are female, particularly those who work in organizations which are too small to be included in pay equity laws and policies, or in organizations where no predominantly-male jobs are available for the purposes of comparison. Thus, movement towards greater wage equality for women depends in part on raising the floor for all of society's lowest-paid workers — something which should not be all that difficult to accomplish during a period of rapid economic growth.

Last but not least, public support for quality child care and a requirement that employers accommodate family responsibilities are central to ensuring that women are able to participate in the workforce on an equal footing, since the bulk of child-rearing duties continue to be handled by mothers.

Pay equity, in short, is likely to be most effective when it is part of a wider package of initiatives aimed at promoting gender equality in the sphere of paid work. While it can certainly achieve much on its own, the synergy attained when mutually complementary policies are combined can amplify results and, in so doing, accelerate progress towards the first principles described in the paper's introduction.

EMERGING TRENDS

The Changing Workplace

The twentieth century has been a time of rapid change in the workplace. The current decade has already seen numerous changes in the marketplace, in the way companies do business and the way governments operate to promote the public interest, and ultimately in the way workers work. Pay equity legislation and policies were designed and developed at a particular point during this era of rapid change. In many respects, all employment and labour legislation and policies, including pay equity, need to be examined and possibly modified or re-focused in response to this seemingly inexorable change.

On a macro level, changes to the workplace have been triggered by restructuring in the private and public sectors: mergers in private sector are resulting in more and more huge, multi-national corporations (witness the recent example of the potential merger between Daimler-Benz and Crysler, and two potential mergers between Canadian banks); mergers are taking place in the public sector, to reduce government departments, the number of school boards and municipal councils; privatization is transferring large sections of the public service to the private sector in a variety of ways, and increasing numbers of organizations are using "contingent" workers to replace employees who were terminated during the downsizing epidemic of the early nineties.

The impact of these changes on all workers, and women in particular, has been astounding. Privatization has meant the loss of jobs in the public sector where women are more likely to receive decent wages and benefits, job protection and union protection. The off-loading of public services may result in private sector companies bidding for the work and employing the former public servants at lower wages and with less protection. In other, perhaps exceptional, cases, privatization may provide former public servants with opportunities to perform their old jobs as self-employed practitioners, which may be a boon or bane for the former employee.

Downsizing in the public sector has a further direct impact on pay equity initiatives, as the agencies which administer and enforce legislation or policy initiatives also downsize and have fewer resources to deal with complaints or monitor pay equity plans, even though the number of complaints may increase, due to the number of changes affecting women's work.

Downsizing in both the public and private sector has led to increased use of temporary agencies, or contracting companies, where many of the downsized former employees end up finding work. Not only do the employees work for lower wages and few benefits, as the agencies take their cut, but frequently the employees lose the coverage of pay equity laws or policies, as the agencies may be too small to come within their ambit.

Statistically, job losses tend to affect women workers more, as positions eliminated during downsizing and privatization tend to be from clerical[40] or service occupations. More startling is the fact that, while there has been no growth in full-time, full-year jobs for women, part-time employment continues to rise steadily, and in varying occupations[41].

The tightening job market overall has led to increasing competition by men for even the remaining low wage clerical and service jobs traditionally held by women. The tragic irony should be apparent to equity advocates, who theorized that pay equity's focus on raising the value and pay of traditionally women's work might eliminate the "gendered" stereotype, make the jobs more attractive to men and support initiatives to make it easier for women to enter traditionally male fields of work. The decline in male participation in the workplace and the stagnation of growth in certain predominantly male fields of work, such as manufacturing, have contributed to making such wishful thinking fruitless.

On a micro level, both public and private sector employers are reorganizing the work of their remaining employees, by flattening hierarchies, creating new job classifications or categories and adopting compensation practices which focus more on individual skills or competencies, and individual performance, than on the skills or duties required to perform the job. A focus solely on individual performance may obscure any differences in compensation due to systemic gender discrimination, as the employer can theoretically be seen to be treating all its employees equally, according to the skills or competencies he or she brings to the job - regardless, sometimes, of the actual job requirements - and his or her performance level. These practices do not dovetail well with pay equity requirements to evaluate jobs, not incumbents. What is really going on behind these practices will require greater scrutiny on the part of pay equity practitioners, and quite possibly some modifications to legislation or policy to either deal with these compensation practices, or accommodate them.

Globalization

Globalization, like the changing workplace (to which it is related), is presently one of the hot-button issues among scholars, activists, and officials. Although freely bandied about, the meaning of the term itself is the subject of some debate: while corporate executives and political leaders insist that globalization is an inexorable trend to which we must adjust if we wish to survive, others argue that it is an ideological policy choice dressed up in the semantics of inevitability in order to circumvent public scrutiny of how it enriches the rich and impoverishes the poor. Either way, globalization is unquestionably *happening*, in the sense of decreasing constraints on the trans-border flow of capital and products, and increasing trade in goods and ideas. This may be a reality we wish to modify but, for the purposes of our discussion, it is a reality — and a rather omnipresent one in the contemporary economy — with which we must contend.

What are the implications of globalization for pay equity? In essence, they relate to how public influence over employment practices is achieved. Pay equity is about nudging, cajoling, and ultimately compelling organizations to re-think the way they value and compensate certain jobs. As such, it involves the imposition of limits on employers' latitude, against which they naturally chafe, as well as certain costs — all in the name of correcting for unjust market outcomes and enhancing women's equality and (by extension) their freedom as individuals. It is because employers rarely rank women's equality and freedom above corporate profit and licence that public policy intercedes. But what happens to this option when employers have the liberty to move investment and production out of the reach of sovereign governments whose policies they view as excessively onerous? How much can public policy do in terms of requiring smaller wage differentials and greater recognition of predominantly-female work when the disincentives for packing up and leaving town have largely been removed?

These are the dilemmas raised for pay equity and similar policies by globalization. There are several possible responses, including a concerted effort to re-construct, at the sovereign state level, the hurdles which once gave governments leverage to insist on certain corporate behaviours (for better and/or for worse). But we would suggest that the plausibility of such a project is low, and the consequences of trying to impose a new set of tariffs and barriers, high. The alternative is to raise the public policy function to the same level as trade and investment; i.e., to the international sphere. And to do so, we need not start from scratch; in fact, an entire apparatus already exists in the form of the UN and its affiliated institutions — particularly the ILO which, as noted at the outset, has had a convemtion requiring pay equity for 47 years. What we do need to do is infuse that apparatus with genuine power, for in the absence of a real capacity to set and enforce employment standards, including pay equity, the ILO and analogous bodies will remain little more than fora which bring together well-intentioned bureaucrats, employer representatives, and labour delegates for inspiring speeches and excellent cappuccino.

Those seeking to improve workplace equality for women, then, need to start turning more of their attention to the global arena, where many of the tools for regulating the treatment of employees in the next century will have to be forged. While legislation at the provincial/state and federal levels is crucial, an exclusive focus on the domestic scene could mean that hard-won victories eventually turn pyrrhic as those with the ability to pay move on to more accommodating locales — or simply curb the effects of policy by threatening to do so.

CONCLUSION

Is Canada any closer today to achieving pay equity's first principles than it was two decades ago, when the first equal value provisions were passed? Yes, it is: the average wage gap between men and women has shrunk, and attitudes towards work done primarily by women, while difficult to measure, seem to have shifted, especially for more professional "women's work" such as nursing. Moreover, the proposition that jobs may be relatively under-paid as a result of ingrained perceptions linked to the gender of incumbents has unquestionably gained respectability among managers, compensation specialists, and bargaining agents who collectively determine wage rates.

Are these changes sufficient? Certainly not. The wage gap remains unacceptably large, and even if attitudes have begun to shift, the gendering and devaluing of certain types of work persist. We have not progressed nearly as far since the late 1970s as equal value's proponents had imagined we might.

Is pay equity, as a strategy, up to tasks at hand? Yes and no. In isolation, and in their present configurations, pay equity laws and policies can have only limited effect. But as part of a wider strategy, and updated to reflect lessons learned and emerging realities, pay equity can play a critical role in delivering more dollars to women and improving understanding of and regard for the work they perform. The challenge in the waning years of the twentieth century for scholars, activists, and officials alike will be to articulate a vision — rooted in both first principles and hard-nosed analysis — which prepares the ground for the wage equality public policies of the twenty-first.

ENDNOTES

[1] *Royal Commission Report on the Status of Women* (chaired by Florence Bird), Ottawa: 1970.

[2] In the first chapter of her groundbreaking contribution to feminist international relations theory, *Bananas, Beaches and Bases* (London: Pandora, 1989), Cynthia Enloe encapsulates this principle when she writes that "a feminist theory bumper sticker might say, >Nothing is natural - well, almost nothing'" (p.3).

[3] This "volunteeristic" stance characterized many versions of 20th-century Marxism — most notably Maoism during its more radical phases — often with absurd and even tragic consequences.

[4] This sort of hyper-relativist epistemology — which is often evident in postmodern writing — can, paradoxically, serve to undermine rather than advance progressive projects by problemetizing any foundation for "social jüstice" argumentation.

[5] Phillips, Paul and Erin Phillips, *Women and Work: Inequality in the Canadian Labour Market* (1993) Toronto: James Lorimer & Company, p. 50.

[6] Statistics Canada, *Earnings of Men and Women*, 1986.

[7] Statistics Canada, *Earnings of Men and Women*, 1996.

[8] *Female Employees Remuneration Act*, S.O. 1951, c. 26.

[9] This provision is now provided in the *Employment Standards Act*, R.S.O. 1990, c.E.14, as amended.

[10] Statistics Canada, *Census*, 1986.

[11] Labour Canada, *Women in the Labour Force*, 1991.

[12] Phillips, *supra*, at 58.

[13] The remaining portion of the wage gap was said to result from differences in the number of hours worked, level of education and rate of unionization.

[14] *Report of the Commission on Equality in Employment* (Judge Rosalie Silberman Abella, Commissioner), Ottawa: 1984.

[15] R.S.Q. 1977, c.C-12.

[16] R.S.C. 1977, c.33. The *Canadian Human Rights Act* applies to the federal government itself, and any federally regulated employer, which includes crown corporations, and companies in the telecommunications industry and inter-provincial transportation.

[17] Fudge, Judy and Patricia McDermott, *Just Wages: A Feminist Assessment of Pay Equity* (1991: University of Toronto Press) at page 4.

[18] See for example: Steinberg, Ronnie, "Job Evaluation and Managerial Control", in *Just Wages: A Feminist Assessment of Pay Equity*, Judy Fudge and Patricia McDermott, eds. (1991: University of Toronto Press); and McDermott, Patricia, "Pay Equity: Closing the Gender Gap" in *Getting on Track: Social Democratic Strategies for Ontario*, Daniel Drache ed. (1992: McGill-Queen's University Press).

[19] Other than the federal government and Quebec, the only other jurisdiction to adopt the complaints-based equal value model is the Yukon in 1987.

[20] Individual employees fear reprisals for their complaints and begrudge the benefits which other employees in the same job will reap from a successful complaint even if they have not personally laid a complaint.

[21] Gunderson, Morley and Roberta Robb, "Equal Pay for Work of Equal Value: Canada's Experience", (1991) 5 *Advances in Industrial and Labour Relations* 151, at 157 to 158.

[22] *Bell Canada v. Communications, Energy and Paperworkers Union of Canada, et al. v. Canadian Human Rights Commission* (17 March 1998), (Fed. Ct. TD) [unreported].

[23] Manitoba (1985), Ontario (1987), Prince Edward Island (1988), Nova Scotia (1988), New Brunswick (1989), and Quebec (1997).

[24] Manitoba, Nova Scotia and New Brunswick.

[25] One exception to this is the "proxy" method of comparison in the Ontario statute, which requires female-predominant *broader public sector agencies only* to compare their female job classes to similar job classes in larger public sector agencies with male job classes.

[26] The Ontario *Pay Equity Act* does not require plans to be filed. The Pay Equity Commission has found that the lack of this requirement inhibits its ability to collect data to determine the impact pay equity has had on the province, and to effectively monitor compliance with the *Act* (Source: *Submissions of the Pay Equity Office, presented to Jean Read, Reviewer of the Pay Equity Act*, April 22, 1996).

[27] *Haldimand-Norfolk (No. 6)* (1991), 2 P.E.R. 105; *Women's College Hospital (No. 4)* (1992), 3 P.E.R. 61.

[28] *Submissions of the Pay Equity Office, presented to Jean Read, Reviewer of the Pay Equity Act*, April 22, 1996, at pp. 3 to 4.

[29] See for example: Smith, Virginia, "Ontario pay equity almost theological in its complexity", *Labour Times*, October 1994; and McDermott, fn. 18, at 31.

[30] Clark, Karen, "Pay Equity and the Mystery of the Disappearing Gender", *Just Wages*, Spring 1994, vol. 3, no.4.

[31] For example, there are only five collective agreements in the health sector in the entire province.

[32] Source: presentation by John Blakely, Public Sector Employers' Council Secretariat, to Intergovernmental Conference on Pay Equity, Hull, Quebec, March 4, 1998.

[33] The Public Sector Employers' Council is a statutory body, composed of 8 ministers and 7 employers' associations representing schools, colleges, universities, crown corporations, health, community social services and direct government, with a mandate to set strategic directions in labour relations and human resources.

[34] See Lewis, Debra J. *Just Give Us the Money: A Discussion of Wage Discrimination and Pay Equity* (1988: Women's Research Centre, Vancouver).

[35] See for example, Lewis, Debra J. "A New Program on the Wage Gap", *Just Wages*, December 1991, at page 5. McDermott, Patricia "Pay Equity: Closing the Gender Gap", *Getting on Track: Social Democratic Strategies for Ontario*, ed. Daniel Drache (1992: McGill-Queen's University Press).

[36] In Ontario, six days of hearing arguments were spent on this question in the case of *Haldimand-Norfolk (No. 3)* (1990) 1 P.E.R. 17 (Pay Equity Hearings Tribunal), which ultimately produced jurisprudence on the definition of "employer". In the federal sphere, 37 days of hearings have just wound up in a case which turns upon whether flight attendants, pilots, and ground crew employed by the same airline should be deemed to be working in the same establishment (a decision is expected by the fall).

[37] More detailed guidance on the question of gender neutrality is provided by Tribunal decisions in *Haldimand-Norfolk (No.6)* (1991), 2 P.E.R. 105, and *PSAC vs. Canada (Treasury Board) (no.2)* (1996), 29 C.H.R.R. D./349 (Cdn. H.R.T.) as well as a new publication released by the Canadian Human Rights Commission entitled *Guide to Pay Equity and Job Evaluation*.

[38] The difficulties associated with providing solely for job-to-job comparisons led the Government of Ontario to amend its original pay equity legislation in 1993. And in the federal jurisdiction, a recent court ruling (now under appeal) found that the Canadian Human Rights Commission had over-extended the rather ambiguous pay equity provisions of the *Canadian Human Rights Act* by requiring the use of averaging in large cases.

[39] The coalitions of labour and women's organizations which have pressed for pay equity legislation in many provinces have all demanded proactivity, and agencies responsible for enforcing complaints-based laws have advocated their replacement with proactive models.

[40] In Canada, the total time frame in pay equity laws has varied from four years in Manitoba, to nine years in Quebec.

[41] In the federal jurisdiction, three major union-management pay equity studies have made it all the way through the job evaluation stage, only to fall apart — and end up in costly litigation — when the parties failed to resolve their disagreement over questions related to comparison methodologies (the cases involve the federal public service, the public service in the Northwest Territories, and Bell Canada, the country's largest telephone company).

[42] Clerical workers bore the brunt of job loss in Metropolitan Toronto, as the occupation with the most severe job loss: de Wolff, Alice, *Job Loss and Entry Level Information Workers: Training and Adjustment Strategies for Clerical Workers in Metro Toronto* (1995), Report of the Metro Toronto Clerical Workers Labour Adjustment Committee. Privatization in the federal public sector resulted in the greatest loss of jobs going to the clerical occupational group: *Women's Work: A Report by the Canadian Labour Congress*, 1997, page 9.

[43] Statistics Canada data commissioned by the Canadian Labour Congress demonstrate that: full-time clerical jobs decreased by 13% from 1990 to 1995, while part-time jobs increased by 22% in Canada, and the largest number of new management and professional jobs are part-time positions, and women represent 77% of these part-time workers, as increase of 63% over the last decade (*Women's Work: A Report by the Canadian Labour Congress*, 1997, page 23).

** *The views expressed in this paper are solely the views of the authors, and should not be considered to reflect the views of their respective employers.* **

ANALYSIS OF CORPORATE SEXUAL HARASSMENT POLICIES: LOOKING AT GRIEVANCE PROCEDURES

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ABSTRACT

This paper examines how the resolution of sexual harassment complaints is officially addressed in the grievance procedures of written corporate sexual harassment policies. The grievance procedures from thirty-six Fortune 500 companies' sexual harassment policies are analyzed for the presence and content of three main components. The three components are: lists of the names and titles of people who can officially receive and act on a sexual harassment complaint; an explanation of the investigatory process concerning a sexual harassment complaint; and information about avenues to appeal a company's decision about a sexual harassment complaint. The data show that most of the policies list in their grievance procedures the name and title of the person or persons to whom victims may report sexual harassment incidents. However, most of the policies fail to explain their process for investigating sexual harassment complaints and fail to indicate any method to appeal a decision rendered by a corporation about a sexual harassment complaint. Omission of these two components from the grievance procedures of sexual harassment policies allows too much potential for discretion and lack of accountability in corporate investigations and decisions concerning sexual harassment.

The problem of sexual harassment in the workplace has been recognized and studied by organizational and social researchers since the mid-seventies. Sexual harassment became a high profile topic after the Clarence Thomas Supreme Court Confirmation Hearings, the U.S. Navy's Tailhook incident and, more recently, the events at the Mitsubishi plant in Illinois (Miller, 1994; Zimmerman, 1995; Matsuo, 1998). After increasingly frequent news reports about sexual harassment, employers were pressured by internal and external groups to take the issue seriously and review, replace or create policies to prohibit sexual harassment in their organization.

An essential part of each sexual harassment policy is a grievance process that addresses how a complaint is investigated and decided. Otherwise, a sexual harassment policy means very little if an employee does not know to whom or how to report an incident or how a complaint is adjudicated. Using qualitative content analysis, this paper compares and contrasts grievance procedures from the sexual harassment policies of several Fortune 500 corporations.

THEORETICAL FRAMEWORK

Since World War II, private sector corporations have grown from city-based or state-based operations to regional, national and multinational concerns. Along with growth has come the exacerbation of rules and regulations to run the bureaucracies. As described by Max Weber,

> *The management of the office follows general rules, which are more or less stable, more or less exhaustive, and which can be learned. The reduction of modern office management to rules is deeply embedded in its very nature (Gerth and Mills, 1946, p. 197).*

To Weber bureaucratic rules eliminate running offices on a case by case basis. Case by case management is subject to the discretion of the person with power or authority. Weber also stated bureaucratic rules must provide predictable, calculable results. According to Weber, successful corporations achieve predictable results by establishing rules that eliminate personal, irrational and emotional elements or discourse encompassing their business (Gerth and Mills, p. 215).[1]

Weber's ideas are the basis for rules or policies against sexual harassment in corporations. While a perpetrator of sexual harassment may use sexual harassment as a rational device to create "power over" or control of another worker, sexual harassment is personal and emotional to the perpetrator and victim. Also sexual harassment is irrational for the overall needs of the company because the perpetrator and, especially, the victim are distracted from performing their corporate duties.

In addition, Weber's theory on bureaucracy includes provisions for grievance procedures within sexual harassment policies.

> *The principles of office hierarchy and of levels of graded authority mean a firmly ordered system of super- and subordination in which there is a supervision of the lower offices by higher ones. Such a system offers the governed the possibility of appealing the decision of a lower office to its higher authority, in a definitely regulated manner (Gerth and Mills, p. 197).*

Following Weber, a successful corporation's sexual harassment policy will contain a procedure for reporting sexual harassment to someone with disciplinary authority. It will also furnish a process for appealing any decision about disciplining or not disciplining the accused harasser to people in offices higher than those making the decision.

LITERATURE REVIEW

A search of the social science literature concerned with analysis of sexual harassment policies failed to uncover any previous study using qualitative content analysis to compare several corporate sexual harassment grievance procedures. One study by Robertson, Dyer and Campbell, *Campus Harassment: Sexual Harassment Policies and Procedures in Institutions of Higher Learning*, is a quantitative analysis of the sexual harassment policies from 311 U.S. universities and colleges. In part, the authors analyze the procedures for registering sexual harassment complaints between public and private schools. They studied who receives sexual harassment complaints, the requirements for written complaints and the results when a disciplinary measure is imposed. The Robertson et al. study informed this paper by categorizing organizations' policies, between those from public or private institutions, for comparison and by establishing elements of comparison between policies (Robertson et al., 1988, pp. 802-810).

Other social research on sexual harassment deals with different aspects of sexual harassment policies. One study surveyed employees in two public organizations about their perceptions of the effectiveness of their organization's sexual harassment policy. Two grievance procedure issues, the lack of confidentiality in the complaint adjudication process and the lack of an organizational response to complaints, greatly concerned the surveyed employees (Lindenberg and Reese, 1996, p. 395). By using a case study of events at one university, another study recommends how to create and implement a sexual harassment policy (Hawkesworth, 1997). In addition, some studies define sexual harassment for research and policy application (Somers, 1982; Crocker, 1983; Gruber, 1992). This paper expands the context of social scientific research by applying sociological theory and qualitative methodology to the analysis of grievance procedures in corporate sexual harassment policies.

RESEARCH PROBLEM AND DESIGN

This study scrutinizes the grievance procedures in the sexual harassment policies of private sector corporations. A company's written policy is the first formal place of reference for employees who are combatting sexual harassment. The policy is also an initial indicator of how seriously an employer regards the discouragement of sexual harassment in the organization. The grievance procedures within the written policy indicate how seriously an employer wants to resolve sexual harassment incidents that have occurred in the organization.

The grievance procedures analyzed in this paper come from a sample of sexual harassment policies issued by Fortune 500 corporations. The policies were requested from the fifty employers in the Fortune 500 who employ the most people. Almost nine million employees work in these fifty corporations and are covered by their sexual harassment policies (Fortune, May, 1995). Thirty-six of the fifty corporations responded and sent their sexual harassment policies for analysis. To focus the analysis of the data, the policies are categorized according to the economic sector of the issuing corporation. The sexual harassment policies of seventeen corporations that produce tangible goods, such as automobiles or electronics, are in the manufacturing corporations' category. Policies of twelve corporations that sell goods, such as grocery stores or department stores, are in the retail sales category. Policies of seven corporations that provide services, such as insurance companies, are in the service corporations' category.

Research findings are reported for each economic category and the overall analysis compares and contrasts the findings of each category. The research method employed in this study is content analysis of the written grievance procedures in each policy. The grievance procedures are analyzed for the presence and content of the following:

1. the names of people to whom an employee would report sexual harassment and the titles of those people;
2. an explanation of the investigatory process including a statement of confidentiality, the corporation's expected treatment of the parties involved in the investigation, and when and from whom updates and outcomes of the investigation will be given.
3. steps for appealing a the company's decision about a sexual harassment complaint.

RESEARCH FINDINGS

The grievance procedures are an essential part of a sexual harassment policy. The procedures operationalize and apply the rest of the policy such as the definition of sexual harassment and the consequences for perpetrators of harassment. In addition, sexual harassment grievance procedures apply Weberian principles of bureaucracy. They provide uniform rules and processes so that all cases will be treated in the same manner.

Grievance procedures can be very different given the centralized or decentralized administration, communication pathways and technology of a company. Some basic elements are necessary for employees to know how to report an incident and prepare them for what can happen next. Each person who can officially receive a complaint should be identified by occupational title. Official reception means

TABLE I

The Grievance Procedures of the Manufacturing Corporations' Sexual Harassment Policies

	M1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	Total %
Number of people who can officially receive a complaint	3	3	4	1	3	3	4		1	4	3	3	2	2	3	6	2	2.8 Ave
Titles listed of official recipients	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	16 94%
Investigatory process is explained	X		X												X	X		4 24%
Statement of confidentiality	X				X					X	X		X	X	X	X	X	9 53%
Treatment of affected parties is explained	X		X							X	X					X	X	6 35%
Updates and/or outcomes provided	X		X													X	X	4 24%
Process for appealing a decision is explained	X				X			X										3 18%

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this office holder can either start an investigation or is in the relay chain to start an investigation of the complaint. More than one person should be an official receiver since any one person could be the harasser. The investigatory process, such as how interviews are held, who will be interviewed, if witnesses are required, etc., should be explained in the policy. Questions of how confidential the process is, how the affected parties will be treated during the process, and how notification of the investigation's progress, including the outcome, will be given should be addressed. Finally, any process for appealing the company's decision about a sexual harassment complaint should also identified, whether it is internal to the company or external, such as in state or federal courts. As previously mentioned, for clarity and manageability of data analysis, the grievance procedures of each sexual harassment policy are grouped according to the economic sector of each corporation.

Manufacturing Corporations

As stated above, seventeen of the thirty-six sexual harassment policies are included in the manufacturing corporations' category. Table I represents what the manufacturing corporations include in their sexual harassment policies' grievance procedures. For registering a complaint, sixteen out of seventeen policies identified at least one person by his or her title to whom an employee could officially report a sexual harassment incident. Two policies, M4 and M9, identify only one person to whom an employee could report an incident, the supervisor and manager respectively. The policies do not say what employees should do if the supervisor or manager is the harasser. Seven policies identify three or more officials who can receive complaints. Policy M16 identified six officials.

> *...If you have witnessed or been the victim of harassment, you should immediately notify the Company through one or more of the following:*
>
> *1. your supervisor (unless he/she is the alleged harasser);*
>
> *2. your EEO representative, Diversity manager or Human Resources representative;*
>
> *3. your unit Ombudsman or the corporate Ombudsman...(M16).*

In addition to naming officials, three manufacturers' sexual harassment policies also include telephone numbers for quick answers to questions about the policy. Three other policies refer to other, more general grievance programs to resolve sexual harassment complaints. Even if a general grievance program is adequate to address sexual harassment complaints, referring the employee away from the sexual harassment policy for resolution can be confusing and time consuming if the employee has to search for the general grievance policy. The process for resolving sexual harassment should be clearly stated in the sexual harassment policy.

Fourteen policies stated an investigation will occur when a complaint is filed. Nine of these policies say the investigation will be kept as confidential as possible. However, only four policies explained their investigatory process beyond the statement of confidentiality. The policy from M1 states,

> *Following a reported violation of this Policy, the Corporation will immediately conduct an investigation into the report which typically requires interviewing the employee who made the report, the accused and witnesses to the harassment, if any (M1).*

Even this brief statement can prepare an employee for an interview and the naming of possible witnesses. If an employee does not know what to expect in an investigation, she or he may not report sexual harassment.

Six of the seventeen policies explained how the complainant and/or accused harasser will be treated during the investigatory process. Again, the policy of M1 explains what will happen to the accused.

> *During the investigation, where circumstances warrant, the corporation may suspend the accused indefinitely, with or without pay (M1).*

This treatment has to be balanced with the accused's due process rights. Nevertheless, in extreme cases, suspending the accused sends a powerful message about the seriousness with which the company views sexual harassment.

Four manufacturer's policies explain when or how the complainant or parties involved in the investigation will be updated and/or given the outcome of the investigation. One policy states when the investigation results will be issued.

> *In all cases the person who uses this procedure will be informed of the findings and disposition of the matter at the conclusion of the investigation (M17).*

Unless the policy assures employees that updates of the investigation process and the results at the end of the investigation will be issued, complainants would never know if the harassment threat has been eliminated. Why should a victim complain if he or she will never know the outcome?

The grievance procedure included least often in the manufacturing companies' policies is the process to appeal a company's decision about a sexual harassment complaint. Of the three policies that do include an appellate process, two mention a process external to the company.

> *If a complaint goes unanswered and the complainant files a charge with the EEOC, the Company can be held liable (M3).*

As in this statement, an appeals process in a policy can demonstrate how the company can be liable for sexual harassment. Internal appeals can be a company's own double check on an investigation. Any appellate process reassures a complainant that the company will not force a decision on a victim that is grossly unfair.

To summarize, the processes to resolve sexual harassment complaints vary in manufacturing corporations' sexual harassment policies from total omission to thorough and complete explanations. A majority of the manufacturers' policies list who can officially receive and take action on a sexual harassment complaint, the titles of those recipients, and the confidentiality of the ensuing investigation. A minority of the manufacturers' policies explain what the investigation entails, including treatment of the parties involved and when or how the updates and outcome of the investigation will be communicated. In addition, only a minority of the policies list a procedure for appealing the companies' decisions about sexual harassment complaints.

Retail Sales Corporations

The same analytical elements of grievance procedures in manufacturing corporations' policies applies to retail sales corporations' policies. Table II shows what the retail sales corporations' policies include in the grievance procedures of their sexual harassment policies. The presence of names and titles for official complaint recipients, an explanation of the investigatory process and the process for appealing decisions are examined.

The retail sales firms' policies devote a lot of space to identifying who can formally and officially receive a sexual harassment complaint. All the policies state more than one person can officially receive a complaint. However, three of the policies identify people by title, who are to be told successively. In other words, if the first person on the list is too intimidating, does not respond satisfactorily or the harassment continues, then the next person on the list can be contacted. For example,

> ** Explain the situation to your immediate supervisor.*
>
> ** If you are not satisfied with your supervisor's response, or if you are uncomfortable speaking with your supervisor, immediately contact your department manager or unit manager.*
>
> ** If you still feel that sufficient attention has not been given to your complaint, or if you are also uncomfortable talking with your department manager or unit manager, contact your unit's Human Resource representative (R10).*

This type of list works only if the second, third, etc. official an employee contacts does not ask why the previous official on the list was not contacted first. The rest of the policies use alternative lists of contacts. Alternative lists state, for example, that a victim may contact either his or her supervisor, manager or human resource representative as a first step in the grievance process. In addition to names and

TABLE II

The Grievance Procedures of the Retail Sales Corporations' Sexual Harassment Policies

	R1	2	3	4	5	6	7	8	9	10	11	12	Total	%
Number of people who can officially receive a complaint	5	3	3	3	5	2	3	2	3	5	4	2	3.33 Ave	
Titles listed of official recipients	X	X	X	X	X	X	X	X	X	X	X	X	12	100%
Investigatory process is explained							X						1	8%
Statement of confidentiality		X	X			X	X	X				X	6	50%
Treatment of affected parties is explained						X	X						2	17%
Updates and/or outcome provided							X		X	X			3	25%
Process for appealing a decision is explained			X										1	8%

titles, seven of the retailers' policies include telephone numbers of contacts and/or hotlines to answer questions or report harassment.

Beyond identifying contact people for reporting sexual harassment, most retail corporations' policies do not describe what happens next. Only one policy, R7, explains the investigatory process. This policy is also one of six stating the investigation's confidentiality, one of two that discuss the treatment of the parties involved in the investigation, and one of three that provide for updates and/or notification of the outcome of the investigation in the policy. This policy states,

> *Confidentiality will be maintained involving only those individuals who participate in the investigatory process. All relevant parties will be interviewed by the investigator. Each interview will be documented. Upon completion of the investigation, a written report of the findings and the proposed actions will be provided by the investigator.*
>
> *No adverse action or retaliation will be taken against employees who report violations of this policy or participate in the investigations of such allegations...(R7)*

Except for the statement of confidentiality, the policy above deviates from the norm of most retail firms' policies by dealing with the investigatory process.

One retail sales corporation's sexual harassment policy mentions a procedure to appeal the company's decision about a complaint. The briefly stated appellate procedure is internal to the company.

> *If you have any problems with the enforcement of this policy you should notify the Vice President of Human Resources. (R3)*

No retail company's policy mentions how to appeal an investigatory decision in a process external to the company, such as directing the complainant to a state equal employment agency.

In sum, all of the retailers' sexual harassment grievance procedures give the names and titles of multiple officials that can receive and act on sexual harassment complaints. However, three of the policies require that recipients only be addressed in succession. Only one retailer's policy explains the investigatory process resulting from a sexual harassment complaint. Half of the grievance procedures give some assurance of the confidentiality of an investigation. A quarter of the policies explain when or how investigation updates and/or the outcome will be relayed. Only one policy posits an appellate option to appeal decisions about sexual harassment complaints.

Service Corporations

Except for one policy, S4, service corporations do not stress explaining the investigatory process or appealing investigatory decisions in their policies. Table III indicates which policies list officials to whom an employee can officially register a sexual harassment complaint, describe the investigatory process and include any appellate procedures. One policy, S6, contains no specific explanation of any grievance procedure. However, this policy does refer to what is presumably a general grievance procedure for all complaints elsewhere in the personnel manual. With a grievance procedure separate from the sexual harassment policy, the victim of harassment has to look up the sexual harassment policy and also look up the grievance procedures.

Six service corporations' policies list different people who can officially receive sexual harassment complaints to initiate investigations or relay the complaint to someone who can. Only five policies give the job titles for those who can officially receive a complaint. The one policy, S7, that does not list titles, refers to, "Human Resources professionals, or...anyone in (the) reporting chain." (S7). The ambiguity of this policy contrasts with policies that list the titles, such as,

> *If you would like to report an incident, contact*
> ** your supervisor*
> ** your division Personnel manager*
> ** the Manager of Affirmative Action;*
> ** the...Hotline [number] (S2).*

Accountability for initiating an investigation after a complaint is made and confidentiality of the process is much higher in the latter policy.

Three service companies referred to the confidentiality of any investigation of a sexual

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TABLE III

The Grievance Procedures of the Service Corporations' Sexual Harassment Policies

	S1	2	3	4	5	6	7	Total	%
Number of people who can officially receive a complaint	3	4	2	3	3	0	2	2.83 Ave. of 6	
Titles listed of official recipients	X	X	X	X	X			5	71%
Investigatory process is explained				X				1	14%
Statement of confidentiality			X	X			X	3	43%
Treatment of affected parties is explained								0	0%
Updates and/or outcome provided				X				1	14%
Process for appealing a decision is explained				X				1	14%

harassment complaint in their policies. One policy states,

> *It is Company policy to promptly investigate all claims of sexual harassment, to maintain confidentiality to the extent possible and to take appropriate remedial action when an investigation confirms (that) harassment has occurred (S3).*

The other companies either do not believe they can maintain confidentiality of their investigations or assume employees know an investigation will be confidential.

Only one service corporation's sexual harassment policy, S4, includes any of the other points of analysis in its grievance procedures. This policy contains an explanation of the investigatory process, provides for the delivery of the updates and outcome of the investigation and refers to an external process for appealing a company's decision. However, these statements are not directed to employees. Within the policy, each official actor in the investigatory process is given directions as to his or her responsibilities. The duties of the manager, EEO staff, personnel representatives, legal counsel and vice president are explained. The policy has to be read a few times to understand who conducts the investigation (the EEO staff and/or personnel representative), who decides the issue (legal counsel or vice president), and who keeps the parties informed (legal counsel, EEO staff and/or personnel representative); (S4). The S4 policy does not address how the parties to the investigation will be treated during the process.

Generally, the service corporations' policies explain to whom an employee may register a complaint of sexual harassment but do not explain what happens with that complaint. Only one service corporation's grievance procedures gives an explanation of the investigatory process and a statement about appealing a decision. Along with that one service corporation, two others discuss the confidentiality of their investigations into a sexual harassment complaint.

ANALYSIS

From a Weberian perspective all of the companies in this study are rational insofar as they have written sexual harassment policies. Although many of the corporations' grievance procedures for sexual harassment complaints include only a few of the elements of effective grievance procedures. They eliminate some potential emotional, irrational and personal aspects of adjudicating the complaints. The grievance procedures lead to, at least, some calculable results. They hold some corporations accountable for decisions about sexual harassment complaints and for the enforcement of some decisions.

Analysis of the grievance procedures in this study is based on the presence and content of three major elements: names and titles of official recipients of complaints, explanation of the investigatory process and provisions for an appellate process. The people and titles of people who can officially receive complaints of sexual harassment are key pieces of information for employees. Reporting to officials is the first step to substantiating and eliminating the sexual harassment occurrences. Sixteen manufacturers, twelve retail sales companies and six service companies list officials in their policies who can receive complaints of sexual harassment and initiate doing something about the offense. Sixteen manufacturers, twelve retailers and five service firms list the bureaucratic titles of the officials who can receive complaints of sexual harassment. In any company, more than one official should be designated to receive complaints to avoid the chance that a victim may be allowed to report sexual harassment only to his or her harasser. However, two manufacturing companies have only one designated official.

Many corporations did not include information about their investigatory process in the sexual harassment policy. Four manufacturing corporation, one retail sales corporation and one service corporation explain their investigatory process in the policy. Nine manufacturers, six retailers and three service firms state their investigations are as confidential as possible given the number of people conducting the investigation and possible future legal disclosure. Six manufacturers, two retailers and no service company explain how parties to the investigation will be treated, i.e., the accuser and accused are separated from working together. How the parties to the investigation will be updated and/or the outcome delivered is in the policies of four manufacturing companies, three retail sales companies and one service company.

Discussing the investigatory process in the sexual harassment policy allows employees to hold investigators accountable for consistent, rational behavior. A discussion of the process in the policy also tells employees what to expect if they report the incident. However, most companies in each of the three categories did not think discussing their investigatory process was as important as listing the officials who receive complaints in their policies.

The corporations also did not mention how to appeal a decision about a complaint in their sexual harassment policies. Three manufacturing corporations, one retail corporation and once service corporation mentioned in their policies an appellate process either internal or external to the company. Only in these corporations will employees know from the written policy what their options are if they do not think the company's decision was equitable. The external process of appealing a decision to state or federal agencies and/or the courts is available to complainants in all of these corporations. However, most of the companies studied do not give employees this information in their sexual harassment policies.

Analysis of the grievance procedures for the thirty-six sexual harassment policies found patterns and similarities between and among those procedures. The most apparent similarity is that procedures in each economic category had a modal, or most often occurring, pattern of listing the official recipients for receiving sexual harassment complaints but not explaining the investigatory process or the process for appealing the decision from an investigation. Most of the companies in this study promote some Weberian rationality and accountability by stating the sexual harassment grievance procedures in writing and by listing the officials responsible for acting on a sexual harassment complaint. Most of the procedures could be become much more rational and the outcomes more reliable by explaining the investigatory and appellate processes. The analysis suggests most of the thirty-six companies need more guidance to formulate effective grievance procedures that encourage, or do not discourage, a sexual harassment victim from registering a complaint.

CONCLUSION

Sexual harassment has been a topic for news reports and scholarly studies since the seventies. However, the topic of this paper, analysis of the grievance procedures within the written sexual harassment policies of Fortune 500 corporations, has not previously been studied. The theoretical framework for analyzing the policies is from Max Weber's theory of bureaucratic organizations. For Weber, bureaucratic rules, such as sexual harassment grievance procedures, increase bureaucratic rationality, increase the predictability and reliability of outcomes and increase organizational effectiveness.

This paper examined the grievance procedures of thirty-six sexual harassment policies. The policies were categorized for analysis according to the economic sector of the corporation issuing the policy. Seventeen of the corporations were manufacturers, twelve firms were retail sales corporations and seven companies were service corporations. Using content analysis, the grievance procedures were examined for: a list of names and titles of company officials who could receive sexual harassment complaints and act on them; an explanation of the investigatory process in sexual harassment cases; and information about appealing a company's decision about a sexual harassment complaint.

Most of the sexual harassment grievance procedures in this study readily provide names and titles of people who could officially receive and act on sexual harassment complaints. Most of the corporations do not provide explanations about the investigatory process nor give information about how to appeal a decision about a complaint. Omission of those two components can introduce irrationality, discretion and unpredictability into the adjudication of sexual harassment complaints. Irrationality, discretion and unpredictability in the grievance process discourages victims of sexual harassment from registering a complaints and ending their abuse.

ENDNOTES

1. For purposes of this paper, a successful corporation is one that is a member of the Fortune 500.

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CONNECTIONS BETWEEN DOMESTIC VIOLENCE AND SEXUAL HARASSMENT IN THE WORKPLACE: SEEKING SAFETY AND EQUALITY FOR WOMEN

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Domestic violence and sexual harassment have often been treated as separate topics in law and feminist advocacy, but they have an important and under-developed relationship. In the workplace, domestic violence can have a dramatic impact on women's ability to participate as equals. For example, abusers frequently attempt to sabotage their partners' economic independence. Women experiencing, escaping from or recovering from domestic violence may find their work performance suffers. Domestic violence is a form of gender–based violence, and our systemic response to domestic violence (or failure to respond) often reflects anti–woman biases and stereotypes. In short, the challenges of addressing domestic violence against women in the workplace bear striking similarities to the challenges of addressing the sexual harassment of working women.

However, the theoretical framework for responding to sexual harassment frequently differs from the approach to domestic violence. In domestic violence cases, the primary consideration is preserving the woman's safety, usually by encouraging her to leave the home and get to a place of safety, or to develop mechanisms to protect herself if she chooses to stay. Sexual harassment policies focus on protecting her where she is — keeping her on the job and attempting to stop the harmful conduct.

Considering the fact that any sexual harassment case could also be a domestic violence situation (when there is a current or pre–existing intimate relationship), and that the types of abuse battered women experience at work often look like sexual harassment, we need to re–examine these potentially divergent approaches. What can these two fields learn from each other? When can Title VII and the other legal theories typically used for sexual harassment cases provide employment law remedies for battered women? When and how should restraining orders, safety planning and similar responses used in domestic violence cases be applied to sexual harassment cases? By combining the knowledge and experience developed in these two areas, we can improve a woman's ability to keep her job in the face of all forms of gender–based violence, harassment or abuse.

DOMESTIC VIOLENCE AND SEXUAL HARASSMENT IN THE WORKPLACE

Domestic violence, including the physical, sexual, emotional, and psychological abuse of a current or former spouse or intimate partner, is an important issue for women in the workplace.[2] Violence can impair a woman's job performance and may also affect her ability to get and retain employment. Battered women report losing jobs, being late and having difficulties at work due to domestic violence.[3] Physical injuries, trauma, and time off needed for court dates, counseling or other activities lead to lost work time and lowered productivity. Stalking at work, telephone harassment, and threats and assaults on the job only compound this effect. Indeed, recent research among welfare-to-work participants demonstrates that abusers feel threatened by their partners' efforts to attain economic independence.[4] Batterers directly sabotage women at school or in the workplace.[5] In one study, 70 percent of employed battered women reported telephone harassment at work.[6] In another, 50 percent reported being absent from work due to domestic violence and almost one quarter reported losing a job, due at least in part to abuse; the majority reported being discouraged or prohibited from working or attending school by their batterer.[7]

Domestic violence, committed at the workplace or elsewhere, represents a serious threat to a woman's personal safety. Male battering of women is often characterized by "coercion and control" tactics that form a pattern of violent intimidation, including stalking and death threats.[8] It is not uncommon for threats and abuse to esc alate to extreme forms of violence[9] against the spouse or partner, her children, and others (which may include her co-workers). For example, in one study, 64 percent of women killed by intimate partners had been physically abused before their deaths, according to police.[10] Indeed the "basis in reality" for a battered woman's fear of death is reflected by how often domestic violence ends in murder.[11] Approximately 30 percent of female homicide victims are killed by intimates — a rate that has held steady over the last twenty years.[12] Attempting to separate from a battering partner can be a particularly dangerous time,[13] and seeking intervention from the police, courts, or others can in some cases provoke retaliation. If she chooses to separate from her abuser, the economic consequences of this dislocation can be extreme, since she may be forced to flee with little money or possessions, and if she does have a job, she may have to leave it.

Amy Hall experienced the effects of domestic violence at work and the susequent harm of economic dislocation firsthand. She worked as a teacher at an elementary school, and experienced severe domestic violence, including stalking at the workplace, at the hands of her ex-husband. She sought assistance from the police, who arrested her abuser for several incidents of assault and rape. She tried to obtain an order of protection against him. Despite these protective measures he continued to threaten her and she feared for her life. He specifically threatened to come to her work site and hurt her and the children at the school. Indeed, a victim-witness advocate who was assisting with her domestic violence case strongly advised Amy to flee for her own protection. She was forced to quit her job and leave the state. Florida denied her the unemployment compensation that might have supported her while she tried to find a new job in a new city, on the grounds that her departure was "voluntary."[14]

When domestic violence comes into the workplace, through acts of violence, stalking, threats or retaliation, or when domestic violence in the home affects women's job performance, it contributes to gender-based economic inequality. It can also seriously compromise workplace safety and employer productivity. For these reasons, some enlightened employers have begun to take action, including implementing training, employee assistance programs, and workplace violence policies.[15]

Sexual harassment in the workplace[16] is also a vital issue for women at work. Sexual harassment is a means of enforcing gender-based inequality, through what is often, but not always, sexually demeaning behavior and remarks.[17] At its most serious level, sexual harassment encompasses extreme acts of violence including sexual assault and rape.[18] Sexual harassment keeps women "in line" and hinders their ability to compete economically. As Catherine MacKinnon explained in her groundbreaking 1979 book, *The Sexual Harassment of Working Women*, sexual harassment is a direct assault on women's equality and a violation of workplace anti-discrimination law.[19]

Under certain circumstances, domestic violence and sexual harassment cases may overlap. For example, domestic violence frequently includes incidents of rape and sexual assault,[20] and may include other forms of gender bias, including statements or epithets, stereotypical views of women, a pattern of assaulting women, or other indications of anti-woman motivation. A woman who is married to or involved with an abusive co-worker or supervisor may experience workplace sexual harassment from her partner along with other forms of abuse. The case may present itself initially as a sexual harassment case but the woman needs a response that takes domestic violence into account, including particular issues of safety and retaliation if she pursues a sexual harassment claim. A domestic violence case in the workplace that includes gender discrimination may also implicate an employer's duties under anti-discrimination law.[21]

RESPONDING TO SEXUAL HARASSMENT AND DOMESTIC VIOLENCE — DISTINCT APPROACHES

The legal system has responded to sexual harassment by granting individual women a remedy and by providing incentives for employers to prevent it. MacKinnon's thesis has been validated by judges interpreting existing civil rights laws to provide a civil remedy for this conduct. In *Meritor v. Vinson*, the Supreme Court identified sexual harassment as a violation of Title VII's ban on workplace discrimination because of sex.[22] Remedies for sexual harassment include damages, backpay, and other forms of monetary relief that can compensate the plaintiff.[23] Injunctions are "especially important in hostile environment cases," where the court can act to prevent further harassment.[24] Employers can gain protection from a lawsuit based on the existence of effective workplace policies, procedures and training, as well as on whether they respond quickly and effectively when they become aware of harassment in the workplace.[25] This term, the Court clarified the circumstances under which employers should be held liable for sexual harassment in the workplace.[26] Under this standard, an employer has an affirmative defense to liability if the employer "exercised reasonable care to prevent and correct promptly any sexually harassing behavior" and if the plaintiff "unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise."[27]

At the same time that feminist attorneys were using civil rights laws to respond to sexual harassment in the workplace, the grassroots-based battered women's movement took a somewhat different approach to domestic violence. During the 1970's and 80's, advocates founded and supported battered women's shelters and safe homes as an emergency response to domestic violence.[28] While they also pursued legal change and institutional reforms, such as improving police and court practices, these women did not expect the state to protect women's lives adequately. Shelters provided a private nongovernmental response to the ongoing egregious failures in state criminal justice systems to protect women and their children.[29]

As Diane Rosenfeld points out, this strategy, which also encompassed passing laws that allowed battered women to seek orders of protection, requires the battered women to forfeit her liberty.[30] She must give up her home, perhaps her job and any sources of economic support, and sometimes even her identity, to flee to a place of safety. She can get an order of protection that may well provide no actual protection from violence. There is no way for her to stay where she is, have the batterer removed, and be certain of her safety. The danger outweighs any other considerations.

Sexual harassment litigation was designed to prevent women from leaving a job because of abuse. Certainly, in some cases woman are forced out of the workplace by harassment or fired for complaining, but a Title VII claim provides the possibility of reinstatement and backpay to attempt to redress that situation. Without such remedies, her only choices would be to try to find a better working situation elsewhere or stay and tolerate the harassment. Of course, as discussed below, even *with* Title VII, those are choices some women continue to make. Title VII also provides strong economic incentives for employers to respond to sexual harassment and make wide-ranging improvements in the workplace. A plaintiff may, in the end, never be fully compensated for what she has experienced, but she may have improved the situation for other women in the future.

Of course, battered women's advocates have also sought to make the state live up to its obligations to protect battered women without forcing them to flee. This includes lobbying for improved laws, seeking public support for services for battered women, and advocating in favor of training for the courts and criminal justice agencies who are charged with protecting them. Failure to protect lawsuits against police departments have been an important mechanism to seek increased responsiveness from the state. When police fail to respond to domestic violence complaints, and subsequently women were killed or severely injured by their abusers, battered women or their families have brought suit.[32] Class action suits have also been used to force police departments to end polices of nonarrest.[33] This strategy has used litigation to force systemic change in a way that may parallel sexual harassment law.

COMMON GROUND IN WOMEN'S EXPERIENCES

Although their approaches may differ in some respects, advocates seeking to protect women from sexual harassment and from domestic violence can find common ground in the historic societal acceptance of this behavior. Two decades ago, Catherine MacKinnon pointed to the domestic violence analogy when discussing the "systematic toleration" of woman abuse, whether at the hands of their partners or their supervisors.[31] Even though domestic violence was illegal, it was permitted to happen. Indeed, centuries of gender bias in laws and criminal justice practices has prevented effective responses to domestic violence. The state fails to believe women's complaints of abuse, or belittles those complaints, or normalizes or protects the abuser by labeling the behavior as "private" or a "family" issue, beyond the reach of the criminal law.[34] Similarly, sexual harassment has often been tolerated as a fact of life for women at work.[35] In both situations, women were expected to deal with the abuse with no assistance from the state.

Another striking similarity between domestic violence and sexual harassment is the impact on the women who experience these forms of abuse. As Louise Fitzgerald points out, our current approach to sexual harassment places a huge burden on women to report incidents of harassment and to demonstrate by their behavior that the harassment was "unwelcome." However, research shows that it is not uncommon for women to "manage" their harassers, such as trying to minimize contact with them, or trying to appease them, or trying to defuse the situation.[36] This effort to control the situation, rather than raising the issue, stems from a belief that reporting will not help them either keep their job or stop the harassment. Plaintiffs in Title VII cases who have experienced direct retaliation or extremely intrusive investigations during litigation, might echo that judgment call. These women make the determination that they are better off leaving things alone. Unfortunately, this passivity makes it difficult to show that they found the abuse "unwelcome."[37]

As others have noted, this legal requirement attempts to place the blame on women, by holding them essentially responsible for ending the abuse. This subtle variation on "why doesn't she leave," the question battered women's advocates struggle with constantly, fails to account for the many factors that might prevent a woman from reporting. Battered women may fail to report domestic violence because of a biased response by police and courts that blames them for abuse, and they may fail to leave a violent relationship because they fear being placed in greater danger, because they lack resources, because of complex feelings about their abuser or because of a fear of losing their children.[38] It is not uncommon for battered women to try to "manage" their abusers, and to develop often sophisticated strategies to avoid or lessen the risk of violence.[39] This might include determining factors that trigger violence and trying to avoid them, or appeasement. For this reason, domestic violence advocates prioritize a battered woman's own view about her safety and her readiness to leave an abusive situation, and try to respect her decision to stay while continuing to provide supportive services.[40] Further, in both public education and courtroom advocacy, describing her difficult and dangerous situation serves to shift blame from women for staying to their abusers for causing the violence, including the secondary effects that make her appear less stable.[41]

Explaining the barriers to leaving an abusive relationship also helps build support for eliminating those obstacles.[42]

LEARNING FROM EACH OTHER — SHARED REMEDIES

Apparently, women are making similar choices in domestic violence cases and in sexual harassment cases, that whatever remedies exist — fleeing to shelter, bringing a lawsuit, calling the police, or any other possibilities — are inadequate. The harm caused by reporting outweighs the harm of living with the abuse. A situation where women obviously continue to view managing their abusers as preferable to reporting requires domestic violence and sexual harassment advocates to look to some new strategies and remedies. One possibility is sharing our knowledge.

For example, using a domestic violence approach for a sexual harassment case would entail empowering and respecting women's choices about whether and how to respond. Women who choose not to report sexual harassment need advice, "safety planning" and support to best manage the situation as it is. Additionally, to improve chances of success in litigation, advocates must explain a reluctance to report. Utilizing the domestic violence advocate's arguments that focus on the negative behaviors of the perpetrator that may themselves provide barriers to effective reporting, could be a possible approach.

Challenging those who question a woman's failure to report or leave by documenting the structural barriers she experiences may be essential, particularly under the Supreme Court's new test. Whether a woman acted "unreasonably" in failing to take advantage of an employer's remedies is likely to be a battleground in upcoming litigation. Analyzing and encouraging the specific strategies women do use to manage abuse could provide a basis for proving unwelcomeness, or for documenting a reasonable response, by demonstrating the agency women express in subtle forms of action.[43]

Finally, alternative remedies, including the development and appropriate use of restraining orders (modeled on domestic violence protection orders) in the workplace might help some women keep their jobs while minimizing contact with a harasser.[44]

Of course there are potential problems with this approach. Access to legal representation may be much more limited for women who do not use Title VII or similar litigation-based remedies that provide attorney fees. Further, women must be fully aware of how a failure to report could compromise their ability to bring a claim later on. These strategies are not meant to undercut the importance of litigation, or to encourage women to give up a damages remedy, but to provide other options for women who make a deliberate and well-informed choice to stay within the situation. Since women make those choices now, we should give them some tools to handle the situation as it exists, while working to reform the system to better protect women who come forward.

Safety planning, meaning evaluating the context and danger of the abuse and developing a specific and protective plan, is a concept that sexual harassment advocates should also consider utilizing to help women manage and respond to ongoing harassment at work. In a recent case in Canada, a woman was shot and killed at the workplace by her supervisor, who then killed himself, following an apparently years-long campaign of sexual harassment.[45] This murder-suicide pattern seems common in intimate partner homicides.[46] There is no apparent information that the Canadian incident was actually a domestic violence case, but the harasser in this case paralleled behavior seen in domestic violence cases. Certainly, a long campaign of sexual harassment by a supervisor reflects an attempt to control and dominate this woman, just as a campaign of physical, emotional and/or sexual abuse by one's intimate partner is a manifestation of coercive control.[47] Sexual harassment policies should incorporate workplace violence concerns, including a policy on weapons in the workplace, training on the recognition and prevention of violence, and a thorough review of workplace security.

Domestic violence advocates could also draw on the experience of sexual harassment laws and policies. At the very least, Title VII-based remedies should be applied in appropriate cases involving domestic violence in the workplace, where there is evidence of gender-based conduct, and discrimination in the employer's response.[48] Litigation could provide incentives for employers to address domestic violence in the workplace. The use of civil rights laws can also include legal actions to hold the abuser accountable for bias motivated conduct, under the Violence Against Women Act[49] or hate crimes laws.[50] The increasing use of employer policies, including appropriate procedures for reporting, investigating and responding to abusive conduct in the workplace, and extensive training for supervisors and employees, is another model to borrow from the sexual harassment field. Finally, proposals such as Rosenfeld's, which focus on ways to keep battered women safe without forcing them to leave, could give women greater freedom. While shelter will probably remain an essential component of domestic violence advocacy for the foreseeable future, alternatives must also be developed.

CONCLUSION

Domestic violence and sexual harassment have been two important fields for feminist attorneys seeking to promote women's equality. However, these two fields have largely developed separately in terms of philosophy and legal doctrine. Both are intimately connected with gender equality and both raise issues of personal stereotypes and institutional biases against women. They are also linked by the prevalence of all forms of woman abuse in the workplace. By combining remedies and strategies, advocates can make the workplace increasingly free from gender-motivated violence, harassment and abuse, while better empowering and serving women victimized by that conduct.

ENDNOTES

1 Ms. Coukos is an associate with Mehri, Malkin & Ross, P.L.L.C., in Washington, DC, where she litigates class action employment discrimination cases on behalf of plaintiffs. When this paper was originally presented, she was the Public Policy Director of the National Coalition Against Domestic Violence.

2 Although domestic violence is also committed by men against other men, by women against other women, and by women against men, this paper focuses on domestic violence committed by men against women, the most frequent form. Women are five to eight times more likely than men to be victims of violence at the hands of a current or former intimate partner. Lawrence A. Greenfeld, et al. *Violence By Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends and Girlfriends* 4 (Bureau of Justice Statistics, 1998).

3 *See generally* Julie Goldscheid and Pamela Coukos, *Violence Against Women Affects the Workplace: Legal Remedies for Women and Advocates*, 30 Clearinghouse Review 195, 196 (Spec. Issue 1996).

4 *See, e.g.* Jody Raphael, *Prisoners of Abuse: Domestic Violence and Welfare Receipt* (Taylor Institute, 1996).

5 *Id.*

6 Connie Stanley, *Domestic Violence: An Occupational Impact Study* (Domestic Violence Intervention Services, Inc., Tulsa, OK, July 27, 1992).

7 Melanie Shepard and Ellen Pence, *The Effect of Battering on the Employment Status of Women*, Affilia 55 (Summer 1988).

8 Evan Stark, *Re-Presenting Woman Battering: From Battered Woman Syndrome to Coercive Control*, 58 Albany Law Review 973, 983 (1995).

9 *See id.* at 985 ("an initial episode of partner assault is typically followed by further injury and an evolving configuration").

10 Joan Zorza, *Woman Battering: High Costs and the State of the Law*, 28 Clearinghouse Review 383, 388 (Spec. Issue 1994).

11. Mary Ann Dutton, *Understanding Women's Responses to Domestic Violence: A Redefinition of Battered Women's Syndrome*, 21 Hofstra Law Review 1191, 1214 (1993).

12 Greenfeld, *supra*, at v.

13 *See, e.g.*, Dutton, *supra*, at 1212 (separation or attempts to separate from a partner can be a high risk time for the escalation of violence and abuse). Ronet Bachman and Linda Salzman, *Violence Against Women: Estimates From the Redesigned Survey* 1 (Bureau of Justice Sta-

tistics, 1995) (separated women three times more likely than divorced women and 25 times more likely than married women to be experience violent victimization by an intimate).

14. *Hall v. Florida Unemployment Commission and Laro, Inc.*, No. 96-3079 (1st Dist. Fla. App. 1997).

15. Goldscheid and Coukos, *supra*, at 196.

16. This paper focuses on sexual harassment and domestic violence in the workplace, but many of the same issues apply to incidents in schools, in housing, and in other contexts. However, with respect to schools, remedies may be more limited in light of the recent Supreme Court decision in *Gebser v. Lago Vista Independent School District*, No. 96-1866 (June 22, 1998).

17. As Vicki Schultz has noted, courts too often overlook non-sexual gender-based harassment — comments and actions demeaning to women that have no explicit sexual content. However, this behavior is unquestionably sexual harassment and a violation of Title VII. *See generally* Vicki Schultz, *Reconceptualizing Sexual Harassment*, 107 Yale Law Journal 1683 (1998).

18. *See, e.g., Al-Dabbagh v. Greenpeace*, 873 F. Supp. 1105 (N.D. Ill. 1994); *Simon v. Morehouse School of Medicine*, 908 F. Supp. 959 (N.D. Ga. 1995).

19. Catherine MacKinnon, *The Sexual Harassment of Working Women* (Yale Univ. Press 1979).

20. Elizabeth Schneider, *Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse*, 67 N.Y.U. Law Review 520, 537 (1992) ("physical abuse and sexual abuse within intimate relationships overlap significantly").

21. Goldscheid and Coukos, *supra*, at 198-99.

22. *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

23. Merrick T. Rossein, *Employment Discrimination Law and Litigation*, § 6.10 (1997).

24. *Id.*

25. Rossein, *supra*, at §§ 6.8[2], 6.8[3].

26. *Faragher v. City of Boca Raton*, No. 97-282 (June 26, 1998); *Burlington Industries v. Ellerth*, No. 97-569 (June 26, 1998).

27. *Faragher, supra*, slip op. at 29-30.

28. *See* Schneider, *supra*, at 523-24.

29. In a four-year series of hearings on the Violence Against Women Act of 1994 (VAWA), the U.S. Congress reviewed state laws and practices in police departments, prosecutors' offices, and court systems, and described these failures in extensive detail. *See generally*, Victoria Nourse, The *Violence Against Women Act: A Legislative History, in, Violence Against Women: Law and Litigation* (Frazee, et al. eds. 1997).

30. Diane Rosenfeld, paper presented at "Sexual Harassment: A Symposium," Yale Law School, March 1, 1998 (publication forthcoming, *Yale Law Journal*, February 1999).

31. *Developments in the Law — Legal Responses to Domestic Violence*, 106 Harvard Law Review 1498, 1557-58 (1993).

32. *Id.* at 1559.

33. MacKinnon, *supra*, at 160.

34. *See generally* Reva B. Siegel, *Rule of Love: Wife Beating as Prerogative and Privacy*, 105 Yale Law Journal 2117 (1996); *see also* Nourse, *supra*, detailing Congressional hearings on the failure of the criminal law to punish domestic violence.

35. *See* Schultz, *supra*, at 1701-02 (describing how early cases rejected sexual harassment claims on the ground that they concerned only sexual advances, which were private and personal).

36. Dr. Louise Fitzgerald, paper presented at "Sexual Harassment: A Symposium," Yale Law School, February 28, 1998 (publication forthcoming, *Yale Law Journal*, February, 1999). *See also* Toni Lester, *The Dangers of Equating Passivity With Welcomeness in Sexual Harassment Law*, published elsewhere in these IWPR conference proceedings, 1998; Kathryn Abrams, *Sex Wars Redux: Agency and Coercion in Feminist Legal Theory*, 95 Columbia Law Review 304, 364-65 (1995).

37. *See* Lester, *supra*.

38. Joan S. Meier, *Notes From the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice*, 21 Hofstra Law Review 1295, 1311 n. 52 (1993).

39. *See* Stark, *supra*, at 1023.

40. *See, e.g.*, Stark, *supra*, at 1025.

41. *See generally*, Stark, *supra*, (arguing that domestic violence should be viewed as coercive control to relieve blame on women for tolerating abuse).

42. As one example, during the welfare reform debate, advocates explained how cutting off access to welfare benefits could hinder a woman's ability to leave a violent relationship, and succeeded in adding the Family Violence Option (FVO) to that legislation. The FVO allows states to waive harsh new requirements where they would make it more difficult or dangerous for a person to leave a domestic violence situation or where they would be an unfair penalty due to domestic violence.

43. Abrams, *supra*, at 365-66.

44. Credit for the idea of using some form of protection order in sexual harassment cases belongs to Professor Deborah Epstein, Director of the Domestic Violence Clinic at Georgetown University Law Center.

45. Jane Sims, *Family Asks Millions in Sears Killing*, London Free Press (June 2, 1998) at A1, A6.

46. In a study of women homicide victims in New York, homicides by intimate partners were far more likely than homicides by family members or others to be accompanied by suicide attempts. About 70 percent of perpetrators of homicide against intimate partners either attempted or committed suicide after killing their partner. Susan A. Wilt, et al, *Female Homicide Victims in New York City 1990 - 94* 16 (N.YC. Dept. of Health Injury Prevention Program 1997).

47. Stark, *supra*, at 985-86.

48. Goldscheid and Coukos, *supra*, at 198-99.

49. 42 U.S.C. § 13981.

50. States increasingly include gender in their bias crime laws. Anti-Defamation League, *Hate Crimes Laws* (1998).

THE DANGERS OF EQUATING PASSIVITY WITH WELCOMENESS IN SEXUAL HARASSMENT LAW

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ABSTRACT

Sexual harassment law provides that sex-based conduct must be unwelcome for it to be considered actionable. Most courts think this means that a woman should only be able sue for harassment if she makes it clear right from the start that she finds the conduct in question offensive. If, however, she initially reacts to harassment in a passive manner, she will most likely lose if she ever brings her case to court.

This paper will argue that passivity should be equated with lack of consent, not welcomeness. It also recommends that the filing deadline for harassment lawsuits be extended to three years, so that victims would have a more realistic time frame in which to move from the mental paralysis that often arises in response to harassment, into the kind of decisive mindframe that is needed in order to file a lawsuit.

Sexual harassment law provides that sex-based conduct must be unwelcome for it to be considered actionable. Most courts think this means that a woman should only be able sue for harassment if she makes it clear right from the start that she finds the conduct in question offensive. If, however, she initially reacts to harassment in a passive manner, she will most likely lose if she ever brings her case to court. For example, let me tell you about what happened to someone I know. Let's call her X.

Slightly less than a year ago, X called me in the middle of the night to ask for advice about a problem she was having with a male colleague. Let's call him Y.[1] X told me that two days earlier, she had been working in her office late one night when Y poked his head through her opened door and said that he wanted to "chat". "Sure," X said, "but only for a few minutes, because I'm busy trying to finish this report." As X turned away to finish typing the sentence she had been writing, Y came up from behind her, reached over her shoulder and grabbed one of her breasts.

Shocked, X turned to him and said, "what are you doing?!" She then got up from her chair and walked towards the door. At this point, Y ran up to her and kissed her on the mouth. "What's gotten into you lately?!", X said, horrified at what Y had just done. She then quickly walked to the bathroom down the hall, where she waited for about thirty minutes until she knew that Y had left the building, whereupon she went home.

X told me that, up until this incident, she had had a "nice" working relationship with Y. Married with two children, he would often brag about his kids and show her pictures of his wife. She and Y had been teammates on various projects for over the past three years. He had never behaved in such a disrespectful manner to her before. Crying, her voice shaking as she spoke, X said that she could not understand why Y had done what he did. "Maybe I did something to give him the wrong message," she told me. "Maybe it's my fault." Then she asked me what she should do.

I told X that what Y did was totally inappropriate and unacceptable and the she needed to do three things. First, she should write down what had happened to her and date it. Second, she should immediately get a copy of the company sexual harassment policy and grievance procedure. Third, she should make an appointment to see the person designated by the policy to handle sexual harassment complaints and lodge a formal complaint against Y. X told me that she would think about it during her upcoming two week vacation. "I can't believe he did that to me!" she said. She then began to recount her experience with Y again.

When X finished, she asked me a second time what I thought she should do. I repeated what I said the first time. "I can't do that," she said. "He's really good friends with our boss, and I think he could make life difficult for me. I just want it to stop," she said. "How can I make him stop?" "Well", I said, "at the very least, you should write him a letter and tell him that you were shocked and offended by his conduct and that if he ever did something like that to you again, you would report him." "Actually", I said, "I would write him a letter and report him, both right away." Sobbing so heavily at this point that I could barely understand her, X said, "I can't believe he did that to me." She then began to tell me what had happened a third time.

This back and forth catharsis on X's part and practical advice on my part went on for about three hours. Why, you might ask, was I so adamant that she document the event in question and bring her complaint to management right away? And why did X refuse to do what I suggested, but continue to tell me her story over and over again? Clearly, what X needed was a good counselor, someone who could help her process the emotional trauma she was experiencing as a result of basically having just been physically assaulted. But while a counseling relationship might and probably should take place over a period of time for it to be effective, I knew that from a legal perspective, X didn't have that kind of time.

Remember how Anita Hill said that she had been emotionally unable to report Clarence Thomas for allegedly harassing her when she worked for him? Remember how some of the senators on the judiciary committee used that very fact to accuse Hill of being a liar? "Why did you wait so long?," they said to her. "Either the behavior you accuse Thomas of never occurred or if it did, you must have liked it. Otherwise, why didn't you just slap him or tell him in no uncertain terms to stop?"

Many courts have expected harassment victims to respond to their harassers with similar levels of assertiveness, and questioned the credibility of those who have not. For example, in 1989 case, Carreno v. New York Housing Authority, the court found for a plaintiff who had struck her harasser across the nose with a ruler and knocked his glasses off when he tried to touch and kiss her. The court said the she had clearly demonstrated that the harassment was unwelcome. The female plaintiff in the 1990 case, Deckter v. Rudolf Wolf, however, was not so lucky. Because she only verbally chided her supervisor when he fondled her breasts, the court said that she had not sufficiently given him a enough of a reason think that his behavior was unwelcome.

The assumptions like the ones held by the judges in the above cases are wrong. When a woman is silent or passive (i.e., she ignores, avoids, or fails to immediately report the problem), it does not mean she likes being subjected to sex-based behavior or that she wants it to continue. If anything, the opposite is true. Numerous studies show that there are a variety of reasons why women respond passively to harassment. Most of them relate to well-founded fears they have about the kind of treatment they will receive from the harasser, their peers and their superiors. As Louise Fitzgerald, a leading researcher in the field has said, women justifiably fear retaliation, not being believed, having their career prospects damaged, and being humiliated. This is why the two most common responses to harassment are avoidance and appeasement.[2]

Furthermore, many girls are acculturated in our society to be passive in a variety of ways, starting with the first time they find themselves in a coed classroom. Teachers tend to call on boys more often then girls, implicitly giving girls the message that what they have to say is not as important as what boys have to say.[3] This has serious implications when adult women, faced with the challenge of having to overcome these learned messages not speak up for themselves, realize that they have to report the fact that they have been harassed to management. Understandably, many women "freeze" and do nothing, internalizing their self-doubt and fears by coming down with a variety of stress-related health and mental problems, such as depression and high blood pressure.[4] They resort to taking sick and unpaid leave,[5] and try, often unsuccessfully, to find new, less stressful jobs.[6]

Women who have been harassed at work have good reason to remain silent. Those who take more direct and immediate action against their harassers are often retaliated against. In fact, this is what happened to X. When she finally got up the nerve to come forward after her two week vacation, she complained to her supervisor about Y. The next day, a coworker told her that rumors were being spread that she tried to seduce Y and that because he rejected her she was out to ruin him. The supervisor called X into his office and told her that he doubted her veracity, saw her as a trouble maker and was no longer happy with her up until then more than satisfactory work. He then told her that he was letting her go.

X is now deciding if she should sue her employer. If she does, she will have to face similar aspersions cast on her credibility by Equal Opportunity Commission ("EEOC") investigators, who are directed by the EEOC to view a claimant's claim as stronger if she [or he] has made "a contemporaneous complaint or protest."[7] X will also have to face defense counsel and a judge who probably hold the same views. Thus, despite the fact that her passivity had absolutely nothing to do with her wanting or liking what Y did, X's initial failure to scream at Y or slap him, and her two week delay in reporting him to management, will be used to question her credibility and probably result in her losing her case.

For the reasons discussed above, such a result would be extremely unfair to X and to harassment victims in general. This is why I would like make the following recommendations:

- First, company policies and EEOC guidelines should direct employees investigating harassment complaints to assume that a victim's silence and passivity means that they did not welcome the harasser's conduct, unless the harasser has proof that they victim said that they welcomed it. Even here, however, the victim should be entitled to show that her words of welcome were coerced, if there is evidence to support this assertion, like the fact that the harasser threatened to harm her physically.
- Second, in the same vein, judges on their own, or by the direction of federal and state legislators who adopt laws on court evidentiary rules and procedures, should not presume that passivity is the same as welcomeness. They should instead treat passivity as evidence of unwelcomeness.
- Third, the federal filing deadline for harassment cases should be extended from one to three years,[8] as should be the case for all discrimination cases. This will give victims more time to come to terms with the psychological trauma of being victimized before they have to face the daunting task of taking the harasser and their employer head on in what will probably turn out to be one of the most psychologically and economically debilitating battles of their lives.

If the above recommendations are adopted, harassment victims everywhere will be able to avoid being victimized twice - first by their harassers, and then by a legal and regulatory system that has not given appropriate consideration to the seriousness and complexity of the issue as it has just been presented.

ENDNOTES

[1] Both X and Y are white middle class, educated professionals. Their story is a fictitionalized version of the typical kind of story I hear everyday from harassment victims who call me for advice, or who I have read about in court cases. Also, even though I portray X and Y here as female and male, men also can be harassment victims, as the Supreme's Court's decision this year in the case, Oncale v. Sundowner indicates. Issues of race, class and sexual orientation also come into play in harassment cases. I believe that unequal power differentials that exist between harasser and victim based on any of these categories (i.e., a white harasser and a black target, a male harasser and a female target, a female harasser and a male subordinate, a straight male harasser and a gay male target, etc.) will influence the way in which a victim responds to harassment. Thus, many of the dynamics I describe here can and do apply to nonfemale victims, especially those who occupy a less powerful position in relation to their harasser, whether because of organizational differences in the work place or in society at large.

[2] Louise Fitzgerald, Why Didn't She Just Report Him? - Psychological And Legal Implications Of women's Responses To Sexual Harassment 51 J. of Social Issues 117-118 (1995).

[3] See generally, Myra and David sacker, Failing At Fairness: How America's Schools Cheat Girls (1994).

[4] Barbara Gutek and Mary P. Koss, Changed Women and Changed Organizations, 42 J. Voc. Behavior 28, 33 (1993)(citations ommitted).

[5] A 1995 report by the U.S. Merit Protection Systems Protection Board, indicates that $4.4 million a year is taken in unpaid leave by federal government employees who are the victims of sexual harassment. U.S. Merit Protection Systems Board, Sexual Harassment In The Federal Workplace, 26 (1995).

[6] For a more detailed description of what harassment victims face, see generally Toni Lester, Efficient But Not Equitable - The Dangers Of Using The Law And Economics Paradigm To Interpret Sexual Harassment In The Work Place, Vermont Law Review (Spring 1998)(forthcoming).

[7] EEOC, Current Issues Of Sexual Harassment, CCH Para. 3112, 7 (No. N-915-050, March 19, 1990).

[8] Under state discrimination law, most states have a six month filing deadline. This should be extended to three years as well.

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DO SEXUAL ORIENTATION ANTIDISCRIMINATION POLICIES HELP LESBIANS?

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ABSTRACT

Given two empirical puzzles, sexual orientation antidiscrimination laws might appear to be of little use to lesbians. The first puzzle is why little or no progress appears in the data after a decade of increasing success in passage of sexual orientation antidiscrimination laws. The second puzzle is that some studies find discrimination against gay men but less (or none) against lesbians. The key to reconciling these puzzles may be an understanding of disclosure of sexual orientation in the workplace and the relationship of disclosure to public and private nondiscrimination policies.

INTRODUCTION

Over the last two decades, ten states and many cities in the United States have enacted laws that prohibit discrimination in the workplace based on sexual orientation. The U.S. Congress and many other states are actively considering similar legislation. Unfortunately, because relatively little research has been conducted on sexual orientation discrimination, the debate over such bills occurs in the absence of a systematic understanding of the prevalence, form, and impact of discrimination against lesbians and gay men, relying instead on anecdotal evidence. Even less attention has been paid to the more vulnerable workplace position of lesbians and bisexual women, who are risk for at least two possible sources of discrimination, sex, sexual orientation, and, for lesbians of color, racial discrimination.

The small amount of existing empirical research on workplace discrimination against lesbians and gay men presents two related puzzles that are relevant in policy debates and implementation. In many studies conducted over the last two decades, both lesbians and gay men report experiences of workplace discrimination. The first puzzle is why little or no progress appears in the data after a decade of increasing success in passage of sexual orientation antidiscrimination laws. The second puzzle is why lesbians are somewhat less likely to report discrimination than are gay men, and why, in studies analyzing wage differences for evidence of sexual orientation discrimination, a large and significant wage gap is found for gay men relative to heterosexual men, but there appears to be no wage gap between lesbians and heterosexual women.

Put together, the two puzzles might appear to imply that sexual orientation nondiscrimination laws have little relevance for lesbians. The key to reconciling these puzzles may be an understanding of disclosure of sexual orientation in the workplace and the relationship of disclosure to public and private nondiscrimination policies. In particular, this paper presents a model of sexual orientation employment discrimination based on employers' propensity to discriminate and gay employees' propensity to disclose their sexual orientation, all placed in a gendered workplace context.

THE PUZZLES

The first puzzle related to discrimination against lesbians and gay men is why nondiscrimination laws appear to have had little impact on discrimination against lesbians and gay men. Identifying the existence and impact of discrimination is difficult, especially given the paucity of data identifying survey respondents' sexual orientation, but some indicators are available.

One common method used by economists and sociologists to measure the existence and economic impact of discrimination is to compare workers who are similar in productivity- and other wage-related characteristics to see if group membership affects earnings. In this case, the question is whether lesbians and gay men earn less than heterosexuals who have the same education, occupation, experience, location, and other relevant characteristics. Two studies, using data from the General Social Survey (where being gay or bisexual is defined as having had same-sex sex partners) and the 1990 U.S. Census (where being gay or bisexual is defined as having a same-sex unmarried partner), arrive at similar conclusions: gay men earn significantly less than heterosexual men, while lesbians' earnings are not statistically significantly different from heterosexual women's earnings. The first study finds that gay men earn as much as 27% less than heterosexual men (Badgett, 1995). The second study found a similar penalty for gay men in same-sex couples relative to married heterosexual men (Klawitter and Flatt, forthcoming). These two studies suggest the existence of employment discrimination against gay men, but these analyses reveal no such effect for lesbians relative to heterosexual women (to be addressed as the second puzzle below).

The Klawitter and Flatt study used the 1990 Census data, which contained enough observations to test whether the earnings gap for gay men was lower in states and urban areas with sexual orientation antidiscrimination laws or policies (some of which protected only public sector employees). After controlling for individual characteristics and for state-wide indicators of attitudes and policies about gay people, Klawitter and Flatt find that being protected by a policy did not reduce the earnings gap for gay men relative to married heterosexual men, nor did the policy variables influence the wage difference between lesbians and married heterosexual women. In other words, policies appear to have had no impact on the degree of discrimination against gay men as commonly measured.

Another source of evidence on the persistence of discrimination comes from lesbians' and gay men's continued reports of discrimination. In numerous nonrandom surveys conducted in different parts of the United States and in different professions, gay men and lesbians have reported many experiences of anti-gay discrimination in the workplace, including being fired, harassed, not promoted, or not hired (see Badgett, Donnelly, and Kibbe, 1992, and Badgett, 1997, for summaries of those survey findings). While these surveys capture only perceptions of discrimination—which could either under- or over-estimate actual discrimination—they might be useful in gauging the potential number of complaints that would be filed if such discrimination were prohibited by law.

Only one geographic area has been surveyed at somewhat regular intervals. The Philadelphia Lesbian and Gay Task Force has undertaken four separate surveys of its members and of other gay, lesbian, and bisexual people in Philadelphia between 1982 and 1996. Although the sampling methods were nonrandom and have varied over the years, making definitive comparisons inappropriate, a provocative pattern emerges. Table 1 shows that the proportion of male respondents who report experiencing discrimination in the previous twelve months rose steadily from 8% in the 1982-84 survey to 14% in the 1995-96 survey. After a very high level in 1982-84, female respondents reported a similar increase in discrimination in the three later surveys. This increase occurred despite the fact that the city of Philadelphia had outlawed sexual orientation discrimination in 1982.

The second puzzle, alluded to above and also observed in Table 1, concerns why lesbians are somewhat less likely to report experiences of discrimination than are gay men, and why a large and significant wage gap is found for gay men relative to heterosexual men, but no statistically significant wage gap is found between lesbians and heterosexual women. In addition to the Philadelphia surveys described above, a 1989 survey conducted for the *San Francisco Examiner*, showed that in a random national sample of gay men and lesbians (gathered through random-digit dialing), 18% of gay men but only 13% of lesbians reported having experienced discrimination at some point in their lives. (However, in a sample from the San Francisco area using the same survey instrument, 27% of men and 36% of women reported having experienced discrimination.)

Table 1: Proportion of respondents who experienced discrimination in the past 12 months

	1982-84	1986-87	1991-92	1995-96
Men	8%	10%	12%	14%
Women	16%	6%	9%	13%

Sources: 1982-84 and 1986-87 data: Gross, Aurand, and Addessa, 1988. 1991-92 and 1995-96 data: Gross and Aurand, 1996.

Potential explanations for the differing patterns involve both measurement issues and underlying behavioral differences. For instance, poor measures of actual workplace experience might obscure discrimination against lesbians who might be expected to have more labor market experience than heterosexual women (Badgett, 1995). Lesbians might not be able to distinguish sex discrimination from sexual orientation discrimination.

Other explanations are tied to employers' possible differential treatment of lesbians and gay men. Bloom and Glied (1988) have suggested that employers might (legally) discriminate against gay men as a way to avoid hiring people perceived as likely to contract HIV, a form of discrimination illegal under the Americans with Disabilities Act. Lesbians, who are less likely to have HIV, would not be as undesirable to employers under this hypothesis. Others have argued that gay men might be more threatening to the masculinity of heterosexual male employers than are lesbians. Or perhaps lesbians have an advantage relative to heterosexual women if lesbians are perceived as being more independent and career-focused and less sexual (Friskopp and Silverstein, 1995, p. 375). Unfortunately, these hypotheses are difficult to assess directly, given the lack of data on lesbians and gay men in the workplace.

A DYNAMIC UNDERSTANDING OF DISCRIMINATION

A more complex way of thinking about discrimination has the potential of reconciling the two puzzles—the invisible impact of policy and the apparent gender difference—in the context of a unifying model of sexual orientation disclosure and discrimination. Even if the puzzles are artifacts of poor measurement of discrimination and personal characteristics (including sexual orientation) or of nonrandom samples, this behavioral model presents a different way of connecting employers' behavior, public policy, and employee reactions to policy.

One of the characteristics of sexual orientation distinguishing it from other personal characteristics that might lead to discrimination, such as race, gender, or age, is the unobservability of sexual orientation and the resulting ability to hide a stigmatized sexual orientation. In its relative invisibility, sexual orientation is more like religion or some disabilities. Workplace disclosure of a stigmatized identity becomes an important process to understand when studying discrimination against potentially invisible groups, since differential treatment of members of certain groups requires some knowledge of group membership. Disclosure of previously hidden characteristics might be necessary to allow observance of a religious holiday on a work day, for instance, or to obtain a workplace accommodation for a disability. Once disclosure of group membership occurs, the individual becomes vulnerable to the direct discriminatory behavior of employers, co-workers, and customers, such as harassment, dismissal, reduced wages, or demotions. Given this connection, understanding the disclosure decision (popularly known as Acoming out") has obvious implications for understanding the extent of discrimination against lesbian, gay, and bisexual people.

Following an earlier paper (Badgett, 1996a), in this model workers are assumed to prefer disclosure of sexual orientation to nondisclosure, holding income and workplace factors constant. In particular, the worker's willingness to disclose depends on how strongly he or she values disclosure and on the potential costs to disclosure, where the costs come from potential loss of income from discrimination. In the vast majority of workplaces, disclosure as heterosexual comes with no risk of discrimination, hence disclosure is only a conscious decision for lesbian, gay, and bisexual workers. To the extent that a nondiscrimination policy reduces the risk of discrimination, gay workers will be more likely to disclose their sexual orientation in the workplace. Support for this assumption comes from a quantitative analysis of a nonrandom sample of gay employees' disclosure decisions. In that paper, I found that a workplace nondiscrimination policy increased the likelihood of disclosure by roughly 21%, holding race, gender, education, and workplace characteristics constant (Badgett, 1996a).

Employers do not have the opportunity to discriminate directly against gay workers unless those workers are out. If employers have some desire to discriminate, either because of dislike for gay people or because of a belief that employing gay people will be less profitable for some reason, more gay workers coming out in the workplace will lead to an increase in discrimination. Because a nondiscrimination policy will induce disclosure, the number of discrimination experiences will increase. If those experiences translate into workers filing complaints, then the policy enforcement agency would observe a rise in the number of complaints over time and researchers would not observe a positive policy effect on the economic status of lesbians and gay men in the short run. (Increases in the likelihood of an employee filing a complaint would also result in an increasing number of complaints, a possibility considered later.)

To describe this somewhat more formally, let C be the number of complaints divided by the number of gay workers, let F be the probability that an employer will discriminate against an out gay worker in some way, and let D be the proportion of gay workers who have disclosed their sexual orientation in the workplace. Both F and D are between zero and one. Then the complaint rate at any point in time, C, will be

$$C ' F * D.$$

The path of C over time will depend on what happens to D and F over time. D increases over time because workers see that disclosure is safer. Interpreting this in the simplest way, assume that gay workers feel safer simply because they have some legal recourse in the event of discrimination and that workers do not respond differently because employers continue to discriminate. Thus D will rise as knowledge of the policy spreads through the gay workforce, and will stop rising once it equals one and all gay employees are out. Some employers discriminate as they find out that some of their employees are gay, and on average the probability of discrimination is F. Again, for simplicity, begin by assuming that employers disregard the existence of a nondiscrimination law. Thus F will rise after the policy is passed simply because workers increase disclosure. Therefore, C will rise until D=1, at which point C will equal F. This long run level of complaints (per gay worker) will depend on employers' underlying attitudes and beliefs about gay workers.

Now let employers' propensity to discriminate decrease with the implementation of the policy. The policy effect on F will increase over time as employers learn of the policy and observe the penalties they can expect should they be caught discriminating. The policy pulls F down over time, while the increase in workers' disclosure tends to push F up. The strength of the two effects will determine whether F increases or decreases. Roughly speaking, if the disclosure effect is stronger than the policy effect, F will increase until D=1 and all gay workers are out. At that point, the policy effect will pull begin to reduce F over time until all employers know about the policy and the expected penalty to employers is clear, at which point F will then be constant over time. When F begins to fall, then C will start falling and will end up at the long run equilibrium level of F. Because of the policy effect, the long run F and C will be lower than in the first case.

So far the model has been used to explain the first puzzle, the apparent ineffectiveness of policy in reducing discrimination against lesbians and gay men. The second puzzle concerns the differences between lesbians and gay men. Again, the disclosure decision could at least partially explain the gender difference. In the dynamic model, lower complaint rates by lesbians relative to complaints from gay men could result from either a lower rate of employer discrimination, the hypotheses suggested by analysts above, or from a lower disclosure rate.

Several surveys find that lesbians disclose their sexual orientation in the workplace less frequently than men do (summarized in Badgett, 1996b). In a national random sample in 1989, 62% of gay men but only 33% of lesbians answered yes when asked, AHave you told your co-workers about your sexual orientation?" In the San Francisco area, 62% of gay men and 53% of lesbians answered yes to the same question. A 1988 survey of magazine readers found that 34% of gay men but only 22% of lesbians were out to everyone they work with. In the multivariate analysis of 1992 nonrandom survey data mentioned earlier, after controlling for education, workplace characteristics, income, and workplace nondiscrimination policies, lesbian and bisexual women were 7% less likely to be out to most or all of their co-workers, but that difference was not statistically significant (Badgett, 1996a).

Lesbians might be less likely to disclose their sexual orientations than are men because of the more complicated context within which all women must work (Woods, 1997). If, in order to reduce the likelihood of sex discrimination or sexual harassment, women downplay their sexuality in the workplace, then a lesbian might see disclosure as increasing the probability of two kinds of discrimination. Or lesbians might believe that being a woman is enough of a disadvantage that coming out would make their work prospects too vulnerable (Hall, 1989). Since lesbians are much more likely to have children in their households than are gay men, their aversion to risking their jobs might be greater than for gay men. Further, because of sex discrimination, lesbians, might have less scope for choosing occupations or employers where sexual orientation discrimination is less likely (Badgett, 1996b).

The lower disclosure rates are sufficient to account for a lower rate of reported discrimination against lesbians. If the difference in the complaint rate is not large but the difference in disclosure is large, then employers' propensity to discriminate against lesbians could actually be higher than it is for men. Applying a numerical example to the equation for C, the complaint rate above, if men's discrimination complaint rate is 10% higher than women's and women are 25% less likely to disclose, then F for women would be 18% higher than for gay men. In summary, gender differences in disclosure in the context of the dynamic model can explain the second empirical puzzle without assuming that employers discriminate more against gay men.

EMPIRICAL PLAUSIBILITY AND POLICY IMPLICATIONS

A logical test of the model asks whether states and localities with nondiscrimination policies have seen such a dynamic at work. No such analysis of existing complaint data has been done, but available evidence suggests that the numbers of complaints have been quite small. This small rate could mean that disclosure and discrimination are at the earliest stages of the dynamic process. Another possibility, not accounted for in the model, is that when policy coverage is incomplete workers will not report discrimination because of the larger-scale disclosure inherent in a public process of adjudication. For instance, a lesbian employee fired in New Jersey, a state prohibiting anti-gay employment discrimination, might choose not to file a complaint if she fears that her prospective future employers in Pennsylvania or New York, two states without protection for gay and lesbian workers, will learn of her lesbianism. Without federal protection from discrimination, the dynamic modeled in this paper will be complicated by the nature of the reporting process.

In addition to beginning some analysis of complaint data in jurisdictions with sexual orientation civil rights laws, researchers have much work to do in establishing the existence, extent, and impact of sexual orientation discrimination. This model suggests that researchers studying sexual orientation discrimination must take the disclosure dynamic into account when interpreting findings. Ideally, the economic harm from direct discrimination should be separated from indirect discrimination, but in practice this will not be possible without data on individuals' workplace disclosure status (information that is not available in either the General Social Survey or the 1990 U.S. Census). A more direct method of assessing the impact of disclosure in some employment situations would be to conduct audit studies comparing the treatment of job applicants whose applications or resumes are Agay-labeled" in some way with equivalent applicants who are not so gay-labeled (see discussion in Badgett, 1996b). Other creative research methods, such as case studies, might also allow a more subtle exploration of anti-gay discrimination.

The policy implications of the dynamic model are also clear. First, a rise in complaints over time is an expected outcome, not an indication that the policy has hurt gay, lesbian, and bisexual people. Second, although the equilibrium rate of complaints could be reduced by persuading gay employees to remain closeted in the workplace, such an attempt by enforcement agencies (or employers) would clearly be a classic example of disparate treatment, since disclosure is not off-limits to heterosexual employees and occurs through numerous innocuous comments about spouses, family outings, weddings, and the like. Third, and perhaps most importantly, the strength of the policy enforcement effort is crucial in establishing the long run level of discrimination. Speedy dissemination of information about a new sexual orientation antidiscrimination law and complaint procedures will speed gay employees and employers to the long run level more quickly. A high level of enforcement effort and large penalties will reduce employers' long-run propensity to discriminate. A public information campaign or employer seminars accompanying policy changes might speed changes in attitudes of employers, further reducing discrimination in the long run. A high level of effort might be costly to an enforcement agency in the short run but could lead to savings in the long run as the level of complaints drops more quickly and ends up at a lower level.

In considering the workplace needs of lesbians, in particular, enforcement agencies must also attend carefully to the enforcement of sex discrimination laws. Enforcement officials should also keep in mind the very different context within which lesbians make disclosure decisions compared with gay men. The possible interactions between actual and feared sex discrimination and sexual orientation discrimination heighten lesbians' vulnerability to discrimination relative to heterosexual women and gay men.

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THE BIG GAME: IMPLEMENTATION OF TITLE IX'S ATHLETIC PROVISIONS

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ABSTRACT

Title IX has contributed to women's progress in athletic participation, but it began as a broad, ambiguous statute. The dispute over what Title IX meant was played out through "implementation games" and evolved over time as a result of pushing and pulling by advocacy organizations, the courts, the administrative agency, and Congress, each of whom had competing interpretations and perspectives.

In addition to "implementation games", the substance of the law—sex discrimination—affected Title IX's progress in the area of athletics. Title IX began as a role equity issue—giving women the same opportunities as men. However, it became controversial when aspects of the law and its regulations were perceived as changing the roles of women.

In April 1991 Brown University demoted its women's gymnastics and volleyball teams and its men's golf and water polo teams from varsity to club-varsity status. The affected women's teams filed a class action lawsuit, *Cohen v. Brown University* (809 F. Supp. 978 [1992]), charging that the University's action discriminated against women and therefore violated Title IX. At the time, Brown offered sixteen women's teams and fifteen men's teams, but women were 51 percent of the student body and 38 percent of the athletes. In December 1994 the U.S. District Court in Providence, Rhode Island, ruled in favor of the plaintiffs. The court decided that Brown did not meet any of the three tests for compliance that apply to equity in intercollegiate athletics under Title IX: (1) athletic participation by each sex roughly proportional to the undergraduate enrollment of each sex; (2) a history of continuing expansion of women's athletic opportunities; or (3) meeting the interests and abilities of female athletes. Brown appealed the decision to the U.S. Court of Appeals for the First Circuit which again ruled in favor of the plaintiffs in November 1996. The U.S. Supreme Court refused to hear the case in April 1997, thereby letting the First Circuit decision stand.

More than a lawsuit to seek remedies for sex discrimination in athletics, *Cohen v. Brown* became a rallying point for Title IX's advocates and opponents (Wulf 1997). Both sides argued over the intent of Title IX and whether the regulations and Intercollegiate Athletics Policy Interpretation issued by the U.S. Department of Health, Education, and Welfare [HEW] imposed reasonable burdens and provided equal opportunity. The debate was a result of thirty-seven words passed into law twenty-five years before the *Cohen v. Brown* decision:

> *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance (20 U.S. Code 1681* et seq.*).*

Twenty-five years after Congress approved these words, disputes continue over the meaning and application of Title IX.

Title IX of the Education Amendments of 1972 stated that education programs receiving federal funds could not discriminate by sex. Even though the original statute did not include the word "athletics," the athletic clauses in the regulations developed by HEW caused controversy and confusion as soon as their implications became clear (Cahn 1994; Gelb and Palley 1987; Hogan 1979). According to political scientist Cornelius Kerwin,

> *"We depend on rulemaking to transform the promises of an ambitious new statute into the specific requirement and procedures of new programs," (1994, 2)*

therefore it is natural that the process would cause some controversy.

What began in 1970 as an attempt to close a loophole in the 1964 Civil Rights Act resulted in a complex battle for control over the definition and application of the law. Most of this battle has been played out in the implementation process. Education institutions, women's rights advocates, and advocates for both men's "revenue-producing" and men's "minor" sports attempted to alter the interpretation of the athletic provisions. Congress, HEW (now the U.S. Department of Education [ED]), and the courts have been part of the struggle as well. Therefore it is not always politically elected leaders who make policy; advocacy groups, bureaucrats, and judges also play a large part in developing public policy. In order to illustrate how the parties involved in the implementation process play games (Bardach 1977) that affect whether and how laws are implemented, one must examine the historic battles over Title IX's meaning.

Title IX covers a number of areas, and although this research focuses on its athletic provisions, it is not intended to perpetuate the common perception that Title IX covers only athletics. Instead, the goal is to shed light on implementation games that have particularly affected Title IX's athletic provisions.

IMPLEMENTATION THEORIES

The battles over Title IX's meaning were not unique or random but the result of people and institutions trying to use the implementation process to alter an ambiguous law to their liking. Traditional political scientists and feminist political scientists offer different but complementary explanations for the reasons advocates and opponents try to influence the implementation process.

Political scientist Eugene Bardach (1977) described the political process of implementation as one in which all of the players use games to influence implementation of the law. Bardach explained that an original mandate sets a policy or program in motion that is intended to reach a certain goal. The implementation process assembles many diverse program elements, and each of these elements is the responsibility of individuals who are largely independent of each other. Bardach elaborated,

> *"The 'implementation process' is: (1) a process of assembling the elements required to produce a particular programmatic outcome, and (2) the playing out of a number of loosely intended games whereby these elements are withheld from or delivered to the program assembly process on particular terms" (1977, 57).*

Because of this process, the goals of a policy mandate typically change during implementation. Supporters of the original policy may not have gotten everything they wanted in the adoption phase; they supported it only because they expected to be able to alter it during implementation to fulfill their original intent. Opponents of a policy who lost the battle against its enactment will continue to fight against it after it has been adopted. Their opposition usually continues when the administrative agency is writing guidelines and regulations (Bardach 1977) which we depend on

> *"to transform the promises of an ambitious new statute into the specific requirement and procedures of new programs" (Kerwin 1994, 2).*

In contrast to Bardach's implementation games, Gelb and Palley (1987) asserted that implementation of public policies to advance the rights of women hinged on distinguishing between gender role equity and gender role change. Role equity policies that are narrow in scope and focused on a single issue are less threatening to the status quo and more likely to be successful because they do not displace existing power configurations. Policies that bring role change often lead to political conflict because they challenge traditional values, redistribute resources, and threaten those who wish to maintain existing power relationships. Gelb and Palley explained that Title IX passed because it was a role equity issue, but as its consequences became known, specifically its athletic provisions, resistance to role change affected its implementation. Their assessment complements Bardach's theory that efforts to change the scope of a law will cause controversy and delay during its implementation.

TITLE IX

Title IX (34 CFR Part 106) bars sex discrimination in academic, research, extracurricular, occupational training, or other educational programs that are operated by an institution receiving or benefitting from federal aid. Exempted from Title IX are military schools; religious schools where compliance with Title IX would be contrary to their religious beliefs; the membership policies of Girl and Boy Scouts, YMCA and YWCA, Campfire Girls and other single-sex, tax-exempt youth service organizations whose members are primarily under 19; American Legion's Boys State, Girls State, Boys Nation and Girls Nation conferences; father-son and mother-daughter activities, as long as comparable opportunities are given to both sexes; and scholarships and aid offered by colleges and universities for single-sex pageant participants.

Title IX bars discrimination in admissions and recruitment for vocational, professional, graduate, and public coeducational undergraduate schools. Exempt from admissions coverage are private undergraduate schools, private undergraduate professional and military schools, and public and private elementary and secondary schools. However, all schools are subject to coverage under Title IX for treatment of those students who have been admitted. Schools cannot discriminate based on sex in courses, housing and facilities, counseling, student financial aid, student health and insurance benefits, marital or parental status, or athletics (scholastic, intercollegiate, club, or intramural). Title IX also prohibits discrimination in employment based on sex.

Title IX is enforced by the Office for Civil Rights (OCR) of ED. Complaints must be filed within 180 days of the alleged discrimination. ED will investigate and, if discrimination is found, try to achieve voluntary compliance. If unsuccessful, ED will hold hearings or the U.S. Department of Justice may prosecute. Complainants may also seek remedies in court.

HISTORICAL OVERVIEW

1972 Representative Edith Green (D-OR) and Senator Birch Bayh (D-IN) introduce provisions prohibiting sex discrimination in education. Congress passes a version of these provisions, which are known as Title IX of the Education Amendments of 1972.

1974 The House passes a bill by Senator John Tower (R-TX) to exempt revenue-producing sports from Title IX coverage. The House-Senate Conference Committee adopts an amendment sponsored by Senator Jacob Javits (R-NY) requiring HEW to "prepare and publish . . . proposed regulations implementing the provisions of Title IX of the Education Amendments of 1972 . . . which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports" in place of the Tower amendment (*Federal Register* 1975, 40, no. 108:24134).

1975 HEW releases final regulations on Title IX after receiving approximately ten thousand comments on the proposed regulations from individuals and institutions.

1979 HEW releases an Intercollegiate Athletic Policy Interpretation after receiving approximately seven hundred comments on the proposed regulations from individuals and institutions. The Policy Interpretation includes a three-part test for compliance, of which an institution must meet any one: (1) athletic participation by each sex roughly proportional to the undergraduate enrollment of each sex; (2) a history of continuing expansion of women's athletic opportunities; or (3) meeting the interests and abilities of female athletes.

1980 ED splits from HEW and is given oversight of OCR, which enforces Title IX.

1984 In *Grove City College v. Bell* (465 U.S. 555 [1984]) the U.S. Supreme Court significantly limits the previous interpretation of Title IX by ruling that Title IX applies only to a program or activity that directly receives federal funds rather than to the entire institution.

1988 To reverse the impact of *Grove City*, Congress passes the Civil Rights Restoration Act which specifies that Title IX applies to all programs in any education institution that receive any federal funds.

1992 Two federal courts set the precedent for using the three-part test to find education institutions guilty of sex discrimination in athletics under Title IX in *Cook v. Colgate University* (802 F. Supp. 737 [1992]), *Cohen v. Brown University* (809 F. Supp. 978 [1992]).

1993 Congress passes the Equity in Athletics Disclosure Act, requiring higher education institutions to make public the number of participants of each sex in each sport and its intercollegiate athletics expenditures, broken down by sport and sex.

1995 Congress holds hearings to explore claims that schools attempting to comply with Title IX are cutting men's sports.

1996 OCR releases a Policy Clarification reaffirming its commitment to the three-part test.

1997 The U.S. Supreme Court refuses to hear *Cohen v. Brown*, leaving undisturbed the lower court's findings that Brown failed the three-part test.

BATTLES OVER TITLE IX'S MEANING

Title IX was a broad, ambiguous statute. The dispute over what it meant was played out in the implementation process and evolved over time as a result of pushing and pulling by advocacy organizations, the courts, the administrative agency, and Congress, each of whom had competing interpretations and perspectives. When Congress gave the administrative agency (HEW) authority to develop regulations, delays inherent in the rulemaking process and debates over gender roles gave rise to implementation games. After the regulations passed, proponents of Title IX accused HEW of being too vague, despite HEW's attempts at flexibility and opponents' beliefs that the regulations represented unnecessary government intrusion. This controversy continued until the Policy Interpretation on Intercollegiate Athletics elaborated on intercollegiate athletics and stood as the test for compliance until *Grove City College v. Bell* (1984 465 U.S. 555[1984]) overruled the longstanding interpretation of Title IX's institutionwide coverage. When Congress passed the Civil Rights Restoration Act (CRRA) it provided a legal grounding for institutionwide coverage but sidestepped a direct debate over Title IX's validity in regard to balancing the need to expand opportunities for women with the nature of revenue-producing sports. Despite the implementation games played by advocates and opponents for twenty-five years, Title IX remains a source of dispute.

The history of Title IX illustrates how the games played by the parties involved during the implementation process affect its current interpretation. These games, as laid out by Bardach (1977), have been played from Title IX's inception until the U.S. Supreme Court refused to hear *Cohen v. Brown*. With each game, the politics surrounding the law's initial passage continued into the implementation process.

THE GAMES

The goals of a policy mandate usually undergo some change in the implementation process, especially if ambiguity of the original law requires that there be further definition. Parties involved play games to renegotiate the goals of the law by trimming them back, distorting them, preventing them, or adding to them (Bardach 1977). The "piling on" game is an attempt to add one's own goals onto a law to reap the benefits of a new resource. Liberal reformers usually initiate "piling on" by starting a program on a small scale, and hoping that it will perform well enough to help them expand the program (Bardach 1977). Women's groups participated in "piling on" by working with HEW and ED to ensure that their goals for the new law were met. Although they did not get everything they wanted, such as equal funding, the groups were largely successful in reaching their goals to provide equal opportunity to women.

In the "up for grabs" game (Bardach 1977), women's groups tried to convert political resources into use for their own benefit. Title IX was a result of pressure to do something about a perceived social problem and Congress issued an ambiguous policy mandate. The ambiguous elements of the policy were rolled together with clear elements, such as increasing access for women in higher education. These clear elements were "up for grabs" for the women's groups to convert those resources to shape the policy to include a wider range of issues.

Charges fly back and forth between two competing interests and an administrative agency in the "keeping the peace" game (Bardach 1977). When politics and programs that originate to eliminate a real or imagined evil create implementation opportunities for activists, a coalition emerges to watch the agency in charge of eliminating the so-called evils. For example the National Coalition of Women and Girls in Education formed to lobby HEW on the regulations. In addition, those who are active in the policy-adoption stage expect to have a large part in defining the program being assembled, while those who oppose it may expect to win back in the regulations writing process what they lost in the policy-adoption process. This phenomenon was particularly acute when the regulations for Title IX were being developed. Women's groups wanted the athletic provisions to be stronger, while opponents wanted revenue-producing sports exempted from the policy. The agency was caught in the middle of these competing interests who were trying to influence the policy, both of whom felt the agency was not living up to its intended purpose. Charges of "foul play, political cowardice, and irresponsible zealotry" (Bardach 1977, 94) were, predictably, hurled between the two parties and the agency. Women's groups thought the delay was unnecessary, while opponents felt the actions by the agency were too intrusive into schools and universities.

"Tokenism," which is most common in civil rights laws, is evident when an administrative agency attempts to implement a program publicly but privately is only taking small steps (Bardach 1977). Title IX began out of the desire to give women equal opportunity in higher education. However, delays in HEW, which were also a result of implementation games, affected the process so that the policy could only take small steps toward eliminating sex discrimination in education.

Title IX was also affected by "social entropy," which includes incompetence in those administering the programs, and the inability to standardize the program (Bardach 1977). For various reasons discussed in this research, HEW staff were unable to adequately perform the task of writing the regulations and enforcing the law. The law also suffered from the variable discretion HEW applied when administering the program which led to complaints and even lawsuits such as those filed by the Women's Equity Action League, or the *amicus* brief submitted by Representative Hastert.

In addition to games that attempt to alter the law, others contributed to the underperformance of the goals and delay. Players tried to avoid responsibility, defended themselves against maneuvers of other game players, and set up advantageous systems to enhance their own game. This "dissipation of energy" (Bardach 1977) was also illustrated during Title IX's implementation.

The primary example of this "dissipation of energy" is the "tenacity" game (Bardach 1977) played by the NCAA and other opponents of Title IX during the development of the regulations and Policy Interpretation. They attempted to hamper the progress of Title IX until their terms and conditions—exempting revenue-producing sports—were satisfied. They were ultimately unsuccessful. Legislators also played the game to stymie the progress of Title IX, particularly during the passage of the Civil Rights Restoration Act, when their goal was to limit the reach of the federal government.

TITLE IX AND GENDER ROLE CHANGE

Gelb and Palley (1987) offer another, yet complementary, explanation for Title IX's implementation history that illustrates how the games played to delay, add to, and limit Title IX were a direct result of the substance of the law—sex discrimination. Title IX began as a role equity issue—when it passed Congress it was simply about giving women the same opportunities as men. However, it became controversial when aspects of the law and its regulations were perceived as changing the roles of women. Gelb and Palley point out that instead of being only about role equity or role change, the law fell between the two poles; it dealt with equity, but it also dealt with potentially significant changes in traditionally male-dominated areas of society such as sports. As Doris Burton wrote her 1979 paper on Title IX's potential versus its performance,

> *"The athletics issue may well mask a growing concern over changing sex roles and not a concern about the impact of Title IX on revenue-producing sports" (Gelb and Palley 1987, 95).*

Challenging gender roles by encouraging women's sports participation explains why athletic provisions were considered the most controversial aspect of Title IX. Athletics reflect and perpetuate ideas of what society considers proper activities for males and females. Traits that are admired in men, such as the willingness to take risks, self-confidence, competition, aggressiveness, and dominance, are necessary for women to be successful in sports (Bell 1986). Yet the view of women in society as generally passive, unskilled, submissive, and fragile reflects on expectations of women's athletic ability. Therefore, ending discrimination in sports is difficult because people believe the myth that women cannot and do not want to compete in aggressive sports (Hogan, From Here to Equality, 1977). Sports challenge the role expectations of women in the United States; resistance to a law hastening that change was bound for controversy.

We can draw on both traditional political science and feminist political theory to understand the history of Title IX. Bardach explained the games that affect the development of policy while Gelb and Palley's illustrated that fears of gender role change prompted those implementation games.

CONCLUSION

Even though OCR has never denied federal funds to a school found in noncompliance with Title IX, and despite widespread understanding that noncompliance is still pervasive, Title IX has opened up opportunities for women and girls in sports. The National Federation of State High School Associations, in its 1997 "Athletics Participation Survey Totals" showed that in 1971, 294,015 girls participated in sports compared to 3,666,917 boys. Remarkably, during the 1996-97 school year, 2,472,043 girls participated in high school sports, compared to 3,706,225 boys.

Advocacy groups, Congress, the administrative agency, and the courts have debated for years over the meaning of Title IX as schools tried to implement (or avoid) the law. Meanwhile, both male and female students attempted to ensure that they were not discriminated against. It is clear that Title IX followed the pattern of an ambiguous policy mandate; therefore the struggle over the intent of the thirty-seven words signed into law in 1972 will likely continue.

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THE IMPACT OF PROPOSITION 209 ON EDUCATION, EMPLOYMENT AND CONTRACTING OPPORTUNITIES FOR WOMEN IN CALIFORNIA

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ABSTRACT

In November 1996, California voters passed Proposition 209, which amended the California Constitution to ban preferences based on race or gender in public sector education, employment, and contracting. This paper examines the impact of Prop 209 on women, who have been major beneficiaries of affirmative action; in the last 25 years, they have experienced dramatic increases in opportunities in post-secondary education, public sector employment, and the ability to participate in public works contracts.

The paper concludes that the least impact will be felt on post-secondary educational opportunities. The greatest impact will undoubtedly be borne by women in nontraditional fields, whose opportunities to bid on and receive public works contracts have been greatly expanded by affirmative action programs. The impact on public sector employment is the least clear. Women have experienced significant gains in job opportunities and abilities to advance in state and local government. Whether these gains have been sufficiently institutionalized to withstand the demise of affirmative action is not yet known.

In November 1996, California voters passed the California Civil Rights Initiative, more commonly known as Proposition 209. The initiative amended the California Constitution to ban preferences based on race or gender in public sector education, employment, and contracting. Initially enjoined from implementation by a federal district court, the initiative did not go into effect until August 28, 1997, when the Ninth Circuit Court of Appeal declared Prop 209 constitutional. Uncertainty about the initiative's validity continued, however, until the Supreme Court declined to review the Ninth Circuit decision in November 1997. At that time, everyone recognized that Prop 209's prohibition on gender- and race-based preferences would go into effect.

Of major concern is that Prop 209 will have a wide-ranging impact on the opportunities of women in public sector education, employment and contracting. Women have been major beneficiaries of affirmative action policies since they went into effect in the 1970s. Women have experienced dramatic increases in opportunities in post-secondary education, public sector employment, and the ability to participate in public works contracts.

While it is too early to assess the long term consequences on women of ending affirmative action in California, some predictions can be made. First, the least impact will be felt on post-secondary educational opportunities; women are attending and graduating college in greater numbers than their male peers. The women who will suffer from the elimination of race and gender preferences in the admissions process are Latinas and African-American women. That is probably due more from the institutional residue of race than gender discrimination. The greatest impact will undoubtedly be borne by women in nontraditional fields, whose opportunities to bid on and receive public works contracts have been expanded greatly by affirmative action programs. Anecdotal evidence and early studies already show a marked drop off in the awarding of contracts to women-owned businesses. The impact on public sector employment is the least clear. Women, and women of color in particular, have experienced significant gains in job opportunities and abilities to advance in state and local government. Whether these gains have been institutionalized sufficiently to withstand the historic tide of gender discrimination, or will disappear with the demise of affirmative action, will probably not be known for some time.

I. AFFIRMATIVE ACTION AND WOMEN IN CALIFORNIA: HISTORICAL OVERVIEW

A. Education

For more than 25 years, California has used affirmative action to increase diversity at post-secondary schools. By increasing access to and enjoyment of educational opportunity, this policy promotes at least two important goals. It acts on the principle that educational attainment translates into increased employment opportunities. Moreover, by increasing the diversity of the student body, it improves the quality of education received by all students. As the President of the University of California recently said:

> *"In the world of ideas, the greatest source of intellectual growth comes from the challenge to one's assumptions, perspectives and ways of thinking. Exposure to peers with varying backgrounds is an important source of this kind of challenge."*[1]

Affirmative action in the educational context has taken a wide variety of forms. The most well known is the use of race or gender as a plus factor in the post-secondary admissions process. Because the kindergarten through high school (K-12) system is compulsory, it does not have an admissions process that provides preferential treatment based on gender or race. The system, however, has created some targeted programs to counteract perceived inequalities in teaching methods. In recent years, some California schools have established "Girls' Math" programs in response to studies showing that girls receive significantly less attention from classroom teachers than boys. These enable schools to offer all girls' math classes.

At the post-secondary level, California has instituted a number of corrective programs designed to improve access to and success at institutions of higher learning. Some encourage outreach to student populations underrepresented in community colleges and universities[2]; some enrich academic preparation[3]; others provide loans and fellowships to ease the financial burden of continuing education.[4]

The increase in access to institutions of higher learning has had a profound impact on women and girls. Female high school graduates are now more likely to enter colleges or universities than their male counterparts – 70.3% compared with 63.5%.[5] Women earn slightly more than half (52.9%) of the bachelor degrees awarded by the University of California. Women now constitute almost half of California's medical (43.6%) and law (49.3%) school student bodies.[6]

The recent, improved occupational status of women is credited to these important changes in educational attainment. In 1970, only 8.2 percent of women age 25 and older had completed four years of college. By 1990, this figure had more than doubled to 18.4 percent.[7] The wage gap also has narrowed significantly in the last twenty years: women's annual wages were 73.8% of men's in 1997, compared to only 59.7% in 1979.[8]

Another significant affirmative action policy in the educational context are efforts to promote the hiring and advancement of women and minorities. Institutions at all levels of California's education system have instituted hiring practices to counteract the gender imbalance in employee ranks. These target women administrators and teachers in the predominantly male fields of science and math.[9] As a result of these efforts, advances have occurred in these arenas over the last ten to fifteen years. The University of California, for example, reports that 30.5% of new faculty appointees were women in 1991-93, compared to 21.3% in 1979-81.[10]

Despite these significant advances, some affirmative action programs remain necessary in post-secondary educational institutions in

California. While gender may no longer be necessary as a plus factor in college admissions, outreach to improve participation in mathematical and scientific fields and hiring at institutions of higher learning should continue. Men still significantly outnumber women in virtually all scientific fields.[11] While the teaching staff in K-12 public schools was 70.8% female in 1992, gender parity has not been achieved in faculty appointments at post-secondary institutions. Women occupied only 26.7% of full-time faculty positions at the University of California, 29.6% of the faculty at California State University system, and 41.9% in the California Community Colleges in 1992.[12] The percentage of women tenured faculty was even smaller. At the University of California, for example, women occupied only 18.1% of tenured faculty in 1994.[13]

B. Employment

Affirmative action programs in public employment and apprenticeship training, including those Governor Reagan signed into law on February 1, 1974, were designed to counteract historic inequalities. These programs require public agencies to determine if particular groups are underrepresented in their workforce. If they are, the agencies are to devise specific recruiting, training and career advancement tools to ensure equal opportunities for all qualified applicants.[14]

These programs have had considerable impact. As the California Senate Office of Research concluded in 1995, they have

> *"paved the way for the arrival and advancement of record numbers of women and minorities in a plethora of careers and higher-paying positions."*[15]

Thirty-seven percent of new hires by California state and local governments were women in 1993. As women comprise 44% of California's labor force, parity has almost been achieved for new hires.[16]

While great strides have been made at the entry level, glass ceilings still persist. Women only have achieved labor force parity in eight of the nineteen job categories in California's civil service system.[17] The greatest disparities exist in the highest ranks of public jobs – those considered officials and administrators. Moreover, women working in state and local government in California continue to earn substantially less than men. In 1993, the median annual salary for a male public employee was $42,556; that for a woman was $31,897, a 25% differential.[18]

C. Contracting

Affirmative action in contracting came more than a decade later in California. It was not until 1988 that the California Legislature enacted contracting goal programs specifically for women owned business enterprises (WBEs) and minority owned business enterprises (MBEs). This law required that all contracts awarded by state agencies have statewide contracting participation goals of at least 15% for MBEs and 5% for WBEs. For each applicable contract, prime contractors must achieve the minimum WBE and MBE participation goals or demonstrate that they made a "good faith effort" to achieve the required participation level.[19]

As with other affirmative action efforts, the contracting programs enjoyed some of their intended effects. Historically, many governmental entities awarded contracts based on political patronage or social connections rather than on a bidder's qualifications or price quote.[20] As a result, the overwhelming majority of state contracts were awarded to businesses owned by white males. Over time, due to the implementation of outreach and set aside programs, these numbers began to shift. By 1996, for example, community colleges awarded approximately 4.6% of their more than $590 million in annual contracts to WBEs.[21] The Department of Corrections awarded WBEs 6.6% of its nearly $460 million in annual contracts.[22] The need for these programs, however, continues. In 1996, women-owned businesses accounted for one-third (38%) of all firms in California and employed 27% of California's workers.[23] If contracts were awarded equitably, WBEs would receive a far greater share of state awarded contracts than, even with affirmative action, is currently the case. Ordinarily, it would be expected that the proportion of contract dollars awarded to WBEs would in time equal the proportion of WBEs in the relevant market. This has not remotely been achieved. One recent disparity study, conducted by the City of San Francisco, found that only 1.69% of construction prime contracts were awarded to WBEs in 1996-97 although they constituted 7.06% of the relevant market. As a result, WBEs lost more than $28 million in potential revenues.[24]

II. SHORT TERM IMPACT OF PROP 209 ON AFFIRMATIVE ACTION PROGRAMS

Proposition 209 explicitly eliminates preferences based on race or gender in public sector education, employment and contracting. Its central provision states:

> *"The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."*[25]

"State" is defined broadly to include virtually all California public entities including the state government, local governments, school districts, public universities and colleges.[26] In addition, Prop 209 contains another substantive clause that focuses solely on gender. That section provides: "Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education or public contracting."[27]

While the language of these two provisions is ambiguous and has not yet been definitively interpreted by the California courts, some things are clear. The proposition does not regulate private sector affirmative action programs. Nor does it prohibit the state from using race- and gender-conscious policies outside the arenas of education, employment and contracting. The initiative also contains two important exceptions. California agencies can continue to use affirmative action when necessary to maintain eligibility for federal funding.[28] Similarly, the proposition does not apply to existing affirmative action plans developed in response to a court order or consent decree.[29]

Because Prop 209 amended the California Constitution, it theoretically repeals all existing public sector affirmative action programs in California not required by federal law. As a practical matter, however, the programs stay in place until either the California Legislature repeals them or a court declares them unconstitutional.[30]

Even before Proposition 209 went into effect in August 1997, Governor Wilson and his administration began implementing a multi-pronged strategy to dismantle California's existing affirmative action programs. First, in 1995, Governor Wilson issued an Executive Order and the Board of Regents of the University of California passed a resolution eliminating the use of gender, race or ethnicity as criteria for admissions to UC or any program of study.[31] Next, in 1996, Governor Wilson filed suit against five state agencies, which have legislatively-mandated affirmative action employment and contracting programs, asking the court to declare them unconstitutional as improper race and gender preferences.[32] These include the State Personnel Board, which awards more than $3.21 million in contracts annually, the California Lottery, the Department of General Services, and the California Community Colleges, which contracted out more than $590 million for goods and services in 1996 alone.

A week after Proposition 209 was upheld by the Ninth Circuit, Governor Wilson stepped up his efforts. He unveiled a list of thirty-three state affirmative action programs, which he contended violated Prop 209, and asked the Legislature to repeal or amend them.[33] Included were eleven education programs, ranging from the Community College Extended Opportunity Programs and Services, which served more than 83,000 students with a budget of $53 million in 1996-97, to the tiny Science, Mathematics, and Technology Teacher Pipeline Program, which was enacted in 1993 to

> *"prepare and employ traditionally underrepresented students and adults as teachers of science, mathematics, and*

> *technology."*[34]

The employment programs he targeted covered more than one million state civil service employees. The eleven contracting programs for which he recommended repeal affected $4 billion in annual state contracts.

In March 1998, Governor Wilson issued an Executive Order that ordered state agencies immediately to cease implementing and enforcing the Minority and Women Business Enterprise Program. As part of its mandate, the order directed all state agencies and officials to stop tracking information about the utilization of MBEs and WBEs in public contracting.[35] California's Public Contract Code requires all state agencies to report annually to the Governor and the Legislature on the level of MBE and WBE participation in state contracting. It also requires the Department of Transportation to maintain a computerized data bank of all certified MBEs and WBEs. The Department of Transportation interpreted the Executive Order as a directive to cease maintaining this data bank as well.

The civil rights community immediately filed suit to enjoin implementation of this order.[36] How, they maintained, could the state ensure that it was not discriminating against minority and women-owned businesses if it did not collect the data to track the contracting process? Data is the major measure used to prove discrimination in employment and, by analogy, the equitable awarding of state contracts. Statistical disparities between employment of a protected group and the percentage of members of the protected group in the relevant labor pool may constitute prima facie proof of a pattern or practice of discrimination.[37] As the United States Supreme Court has explained:

> *Statistics showing racial or ethnic imbalance are probative . . . only because such imbalance is often a telltale sign of purposeful discrimination; absent explanation, it is ordinarily to be expected that nondiscriminatory hiring practices will in time result in a workforce more or less representative of the population in the community from which the employees are hired.*[38]

Even more relevant, the Supreme Court has held that

> *"[w]here there is a significant statistical disparity between the number of qualified minority contractors willing and able to perform a particular service and the number of such contractors actually engaged by the locality or the locality's prime contractors, an inference of discriminatory exclusion could arise."*[39]

Thus, with a stroke of a pen, Governor Wilson was able to eliminate both the means to track whether state contracts are equitably awarded and the means to establish discriminatory conduct where it does occur.[40]

The Governor was not the only one who sought to eliminate long-standing affirmative action programs in the wake of Prop 209. When the California Legislature reconvened in January 1998, both Assemblyman Richter and State Senator Kopp introduced bills in their respective houses to repeal the thirty-three identified programs. Richter's bill[41] sought the wholesale elimination of many of the programs. For other programs, the effect of his proposal, although not the means, was the same; he proposed to substitute social and economic handicaps for race and gender. Thus, he proposed that the Minority Health Professions Education Foundation, designed to increase the number of minority professionals serving minority communities[42], eliminate the word "minority" from its title and directives.

Senator Kopp's bill[43] was more complex. It proposed to dismantle various programs that promoted access for women and minorities in public sector education, employment and contracting. For other programs, it sought to delete all reference to "female" or "minority," effectively eliminating their original purpose to promote equal participation of women and minorities in state employment and contracting. In the programs' stead, the bill established a new Office of Outreach to facilitate an aggressive outreach effort to "economically disadvantaged" individuals and small businesses. The bill also proposed to enact the Small Business Acquisition and Contract Act to promote the participation of small businesses in state contracting. The end result was a switch from encouraging the participation of MBEs and WBEs in state employment and contracting to an emphasis on small businesses.

Although both bills were defeated in committee, the battle to repeal existing state affirmative action programs or change their focus has not ended. Some agencies simply have shifted the focus of their programs from racial minorities and women to those who are "economically disadvantaged." It appears, for example, that the California Student Aid Commission already has shifted its priority consideration of students for graduate fellowships from those who were historically underrepresented (women and certain ethnic minorities) to those who are economically disadvantaged.[44] In addition, the Legislature may take up individual programs and reconsider them in this context next session.

Public interest groups opposed to affirmative action similarly have initiated aggressive action to stop affirmative action programs in their wake. The Pacific Legal Foundation, a conservative public interest law firm located in Sacramento, is actively monitoring how local agencies are responding to the passage of Prop 209. Shortly after the United States Supreme Court declined to review the constitutionality of the initiative, PLF sent out hundreds of warning letters to California cities and counties demanding government officials to abandon their affirmative action programs or face PLF in court.[45] It then acted on its threat and filed suit in late 1997 against the City of San Jose, alleging that its good faith outreach program for the awarding of contracts for city public works projects violated Prop 209's ban on race and gender preferences.[46] It has publicly threatened as well to file suit against San Francisco, which has a good faith outreach program to increase the participation of MBEs and WBEs similar to that of San Jose.[47]

Because of Prop 209 and the threat of litigation, many local government agencies around California are reconsidering the affirmative action programs they have in place. The Los Angeles Board of Education, for example, voted in mid-April to dismantle seven education commissions, including one established to promote gender equity, to avoid litigation under Prop 209.[48] Good faith outreach programs to increase the participation of women and minority owned businesses in public works contracts are in particular jeopardy. Counties have gone in all different directions. Some, such as Sacramento, have eliminated bid preferences for MBEs and WBEs but kept their good faith outreach efforts in place. Others, such as Contra Costa and Santa Clara counties, have suspended their programs in their entirety. Even others, such as the cities of San Francisco and Richmond, have decided to retain their goals and good faith efforts policies on the ground that disparity studies indicate past discriminatory impact.

It is too soon to tell what the full impact of these changes will be. Many governmental agencies in California are waiting until the courts define the scope of "preferential treatment" under Prop 209. Does it exclude outreach and recruitment programs, as one appellate court has suggested[49], or are they banned as well? Will other states adopt similar anti-affirmative action measures? To date, seven states have seen voter-based anti-affirmative action initiatives; eighteen have considered new affirmative action legislation since 1997.[50]

Anecdotal evidence suggests that in some areas, the impact could be dramatic. The awarding of construction contracts to women, in particular, will undoubtedly decrease. There is strong resistance to women in the nontraditional construction trades. Most women in the field believe they only have succeeded because of affirmative action programs, which notify them of opportunities and create incentives for them to be hired. The dozen women members of the elevator constructors union, which covers much of California, Nevada and Utah, believe that affirmative action is the only reason they have been allowed to participate in their trade.[51] Without the California Apprenticeship Program, one of the programs under attack, they never would have been given the opportunity to join this lucrative field, where union members earn $45 an hour. The women elevator constructors are concerned that

> *"without far more vigorous enforcement of affirmative action participation goals, there won't be many more women getting the same chance they got to prove their value as steady, mechanically skilled and proud workers in the elevator trade."*[52]

Others already report that they have witnessed a sharp decline in opportunities to bid on state contracts since the passage of 209. As one woman owner of an environmental cleanup company reported: "Proposition 209 killed me. I've been through the wringer."[53] Before the passage of 209, Lisa Campbell had a staff that peaked at 150, with crews working up to 16 or 17 jobs at a time. She had a 10,000 square-foot combination office and warehouse. Since November 1997, she has downsized to nine employees and works out of her home garage. Everything changed, she contends, because of 209:

> *After 209, there's so much less out there. As a woman in an all-male industry, I have to work harder and smarter. We're just not getting the requests for bids like we once used to, because they just kinda want to deal with their good old boy thing.*[54]

Another owner of a building supply company reported that she used to use a ream of fax paper daily to handle the average of 50 bid requests she received each day. Now, with affirmative action programs largely in abeyance, she receives two or three. General contractors no longer notify her of jobs. When she inquires about bidding on a government contract, she hears:

> *"We don't have to take your bid. There's no more good-faith effort."*[55]

A recent study of the impact of eliminating hiring goals for municipal contracts in San Diego confirms these concerns. In 1993, a federal court struck down the city's Equal Opportunity Contracting Program, which set hiring goals for municipal contracts for MBEs and WBEs. The study found that, as a result, the number of city contracts awarded to minority and women owned businesses declined precipitously. From 1985-1993, when the program was in place, the city issued $629 million in construction contracts. Women received approximately $57 million, or roughly 9.2%. Between 1994 and 1997, after the program was disbanded, women received only 5.7%. Moreover, the study concluded, the drop was not due to unavailability or incompetency. It found that there were an adequate number of female-owned construction firms and no evidence that they

> *"became technically incapable of competing for and completing construction contracts."*[56]

Another, as yet unknown, effect is the impact on California's minority women of the elimination of both race and gender-based preferences. Twenty percent of California's female workforce are now African-American, Latina or Asian-American.[57] These women historically have experienced the discriminatory impact of both their ethnicity and sex. The change in UC's admissions policies has witnessed a dramatic decrease in the number of African-American, Latino and Native American students admitted.[58] While the overall number of women students has not declined, female members of these racial groups have declined like their male counterparts.

Minority women also have experienced greater access to and achievement in public sector employment than their private sector counterparts. From 1970 to 1990, African-American and Asian-American women were overrepresented in state government jobs. From 1980 to 1990, Latinas were overrepresented in the public sector as well.[59] In other words, for minority women in California, it appears it was easier to obtain employment in the public sector than in the private. Women of color also faced fewer race-related barriers to managerial and professional jobs in state/local sector employment than in the private sector.[60] As a result, they were able to advance further and achieve higher relative earnings.

What this means in a post-affirmative action world is as yet unknown. It appears that women of color in time may experience lower wages if their opportunities for advancement decrease. Some managers and professionals who are not able to find comparable positions in the private sector may also become underemployed.[61] These concerns may become significant as the numbers of minority women in California continue to grow in the new millenium. In 1990, 58.2% of Californian women were non-Hispanic white.[62] By the year 2010, it is predicted that California will have no racial group in the majority.

ENDNOTES

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1 University of California, Office of the President, *The Use of Socio-Economic Status in Place of Ethnicity in Undergraduate Admissions: A Report on the Results of an Exploratory Computer Simulation,* May 1995; *see also Regents of University of California v. Bakke,* 438 U.S. 265, 312 (1978) ("The atmosphere of 'speculation, experiment and creation' – so essential to the quality of higher education – is widely believed to be promoted by a diverse student body.").

2 For example, California's Community College Extended Opportunity Programs and Services (EOPS), Cal. Educ. Code §§ 69640-69656, targets community college students who are affected by "language, social and economic disadvantages," with the aim of increasing their rates of matriculation, graduation, academic success and transfer to four-year institutions. The goal is to ensure that community colleges achieve a racial, ethnic, and gender composition which matches the composition of the community they serve.

3 For example, the California Academic Partnership Program, Cal. Educ. Code §§ 11003-11007, has sponsored more than 50 partnerships with private institutions to improve the quality and effectiveness of K-12 instruction and served more than 130,000 students since its founding in 1984.

4 For example, the State Graduate Fellowship Program, Cal. Educ. Code §§ 69670-69680, awarded $2.4 million in fellowships for graduate study to 764 recipients in 1996-97.

5 Bureau of Labor Statistics, *College Enrollment and Work Activity of 1997 High School Graduates,* May 1, 1998, located at http://stats.bls.gov/news.release/hsgec.nws.htm.

6 *Profile of UC,* located at http://www.ucop.edu/ucophome/commserv/profile/.

7 Citizen's Commission on Civil Rights, *Affirmative Action: Working and Learning Together,* at 13 (Oct. 1996).

8 Women's Bureau, U.S. Department of Labor, *Women's Earnings as Percent of Men's, 1979-1996,* located at www.dol.gov/dol/wb/public/wb_pubs/7996.htm.

9 Cal. Edu. Code §§ 44100-44104 (school district employment); Cal. Edu. Code § 8650 et seq. (science, mathematics, and technology teacher pipeline program); Cal. Edu. Code §§ 87100-87107 (community college hiring and peer review).

10 California Senate Office of Research, *The Status of Affirmative Action in California,* at 68 (March 1995)(hereinafter "Cal. Senate Office").

11 There are eight times as many male engineers, architects, and surveyors in California, for example, than female ones. U.S. Bureau of the Census, *1990 Census of Population and Housing,* Tables 4 and 5.

12 Cal. Senate Office, at 54.

13 *Id.* at 69, Table 9A.

14 *See, e.g.*, Cal. Educ. Code §§ 44100-44104 (establishing affirmative action employment program for state's school system); Cal. Educ. Code §§ 87100-87107 (extending affirmative action hiring to community colleges); Cal. Gov. Code §§ 19790-19799 (requiring each state agency and department to establish affirmative action programs for civil service employment).

15 Cal. Senate Office, at 2.

16 *Id.* at 30.

17 *Id.* at 26.

18 *Id.* at 31-32.

19 Cal. Public Contract Code §§ 10115-10115.15 (state agency contracts); Cal. Gov. Code § 14132 (transportation projects); Cal. Streets & Highways Code § 180.1 (seismic retrofitting projects); Cal. Gov. Code §§ 16850 et seq. (bond services); Cal. Educ. Code § 71028 (community college contracts); Cal. Public Contract Code § 10108 (Department of Corrections contracts).

20 *See, e.g.,* San Francisco, Cal. Admin. Code § 12D.2(10)(1995)(concluding that "[s]ome City departments continue to operate under the 'old boy network' when awarding contracts"); Jean Merl, *Affirmative Action Backers Angry at Riorden's Silence,* L.A. Times, Feb. 13, 1996, at A1, A10 (citing a city audit that found that a group of former Mayor Bradley's supporters obtained airport concession contracts but did little or no work).

21 *Reaching for the Dream: Profiles in Affirmative Action*, at 23 (March 1998).

22 *Id.* at 25.

23 National Foundation for Women Business Owners, *Women-Owned Business in California 1996 A Fact Sheet*.

24 City and County of San Francisco, *Disparity Analysis 1996-97*.

25 Cal. Const. Art. I, § 31(a).

26 *Id.* § 31(f).

27 *Id.* § 31(c).

28 *Id.* § 31(e).

29 *Id.* § 31(d).

30 Cal. Const. Art. III, § 3.5.

31 Executive Order W-124-95, issued June 1, 1995; SP-1, approved July 1995.

32 *Wilson v. State Personnel Board, et al.*, *No. 96CS01082* (Sacramento Superior Court). Summary judgment motion is scheduled to be heard in this case in June 1998.

33 Governor's Office, Press Release, *Wilson Unveils List of Current State Statutes which Grant Race- or Gender-Based Preferences in Violation of Proposition 209* (Sept. 9, 1997).

34 Cal. Educ. Code §§ 8650 et seq.. For a complete listing of the programs Governor Wilson sought to repeal, *see Reaching for the Dream*, at 7-27.

35 Executive Order W-172-98, issued March 10, 1998.

36 *Barlow v. Wilson*, No. 796308-9 (Alameda Superior Court).

37 *International Brotherhood of Teamsters v. United States*, 431 U.S. 324, 339-43 (1977); *see also Hazelwood School District v. United States*, 433 U.S. 299, 307-08 (1977).

38 *Teamsters*, 431 U.S. at 342 n.20.

39 *City of Richmond v. Croson*, 488 U.S. 469, 509 (1989).

40 The Alameda Superior Court denied plaintiffs' preliminary injunction, which sought to enjoin the executive order. As a result, the state will no longer collect data on the awarding of contracts to MBEs and WBEs unless and until an appellate court reverses the lower court ruling.

41 AB 1700 (Richter).

42 Cal. Health & Safety Code §§ 128330-128445.

43 SB 2041 (Kopp).

44 *Reaching for the Dream*, at 13.

45 Pacific Legal Foundation, *Proposition 209 Update*, located at www.pacificlegal.org/GP-209.HTM.

46 *Hi-Voltage Wire Works, Inc. v. City of San Jose*, No. CV 768694 (Santa Clara County Superior Court). In February 1998, the Superior Court found that the outreach program was an unconstitutional preference under Prop 209. That decision is on appeal.

47 Jason B. Johnson, *Unfairness Alleged in S.F. Contracts*, The San Francisco Chronicle, March 30, 1998, at A13.

48 Doug Smith, *L.A. Schools to Replace Panels on Minorities*, Los Angeles Times, April 14, 1998, at B1.

49 *Lungren v. Superior Court*, 48 Cal. App. 4th 435, 442 (1996).

50 Equal Rights Advocates, *Affirmative Action Legislative and Initiative Activity*, located at www.equalrights.org.

51 *Reaching for the Dream*, at 21-23.

52 *Id.* at 23.

53 *Id.* at 27.

54 *Id.* at 28.

55 *Id.* at 29.

56 Ronald W. Powell, *Women Trail in City's Projects*, San Diego Union-Tribune, April 21, 1998, at B1.

57 Paul Ong, "Race and Gender in California's Labor Market," *The Impact of Affirmative Action on Public-Sector Employment and Contracting in California*, at 52 (1997).

58 Sharline Chiang, *Diversity at UCLA Declines*, Los Angeles Daily News, April 1, 1998, at N1.

59 M.V. Lee Badgett, "The Impact of Affirmative Action on Public-Sector Employment in California, 1970-1990," *The Impact of Affirmative Action*, at 89.

60 *Id.* at 88-89.

61 *Id.* at 91.

62 Institute for Women's Policy Research, *The Status of Women in California*, at 34, Table 14 (1996).

FAMILY & WORK

SINGLE-SEX EDUCATION: WHAT DOES THE RESEARCH SAY?

Pamela Haag, American Association of University Women Educational Foundation

Public, single-sex classes and schools have been established in California, New York, Virginia, and at least a dozen other states. These classes and academies are predominantly for girls and some aspire, specifically, to boost their interest and achievement in math, science, and technology, or their self esteem. In addition to their feminist advocates, single-sex public schools and classes have become a centerpiece of conservative-led arguments for school "choice" and vouchers.

In some respects, single-sex education is a policy issue almost too hot to handle for feminists, because those committed to gender equity can and do have principled disagreements about how to achieve their shared goal. Do we offer different learning environments for girls and boys to generate equal—and ideally high—outcomes for both sexes? Through sex segregated learning, do we reinforce damaging stereotypes about girls' and boys' differences, or do we provide a classroom that responds to the current reality that girls often do fall silent in the coed classroom or feel intimidated from appearing too "smart"? In separating students by sex, do we instill confidence in girls or do we pessimistically naturalize our assumptions about how boys and girls interact? There are no ready answers to these questions. They strike at a paradox in our culture, which is that we are rhetorically committed to equality yet often unsuccessful at creating genuinely coeducational—i.e., equitable—environments for students. While recently-founded single-sex public school experiments are self-consciously committed to advancing girls' achievement, feminist organizations other than AAUW, which does not oppose the schools, have filed complaints against the two year old East Harlem all girl's academy, arguing that it violates Title IX, and invokes the specter of a "separate but equal" education.

But the AAUW Educational Foundation wanted to explore the educational outcomes of single-sex learning, rather than the snarl of legal ambiguities that dominate most policy debates about this reform strategy. A research review seemed especially imperative since there appeared in many articles suspicious generalizations to the effect that "researchers agree" that single-sex public schools offer a "better" environment for girls. A 1997 Point/Counterpoint wondered why

> *"sex segregation builds such self confidence and provides the best education."*

Governor Pete Wilson similarly justified a 5 million dollar allocation to single-sex public school experiments by asserting,

> *"we're doing what's clearly working for girls"*

To probe beneath these generalizations, AAUW EF commissioned four papers, from different perspectives, conducted an inclusive literature review of research on single-sex schooling in many forms and contexts, and convened a day long round table of 15 academics prominent in single-sex education and equity research. We took our cue from comments among feminist education scholars that it would be useful for an organization such as AAUW to provide a forum for those committed to educational equity to air candidly their thoughts and research findings about single-sex education. Synthesizing our literature review, commissioned papers, and round table discussion, the report--Separated by Sex— sounds a timely cautionary note that single-sex environments are not "clearly" producing any one outcome for all kinds of girls across all kinds of contexts. Our interpretation of the body of research was not that single-sex K-12 schools don't "work," as one USA Today headline misstated, but simply that we cannot generalize about single-sex environment's effectiveness for generic girls. Our conclusion, modest though it may seem, is an important corrective to the popular assumption of a research consensus as to the benefits of sex segregated education. Research on single-sex schools, both nationally and internationally, runs the gamut from studies that find no school type effect once other factors are controlled for, to studies that find some positive effects of single-sex education for some groups of girls in some contexts, but attribute those effects to secondary factors or properties about the school, to Neil Riordan's work which concludes that single-sex schools do "work" for students in the U.S. that are socially disadvantaged, but have no particular effect for girls of high socioeconomic status.

The media was surprised that AAUW EF's report tempered widely-held enthusiasm for girls' single-sex public education by noting the inconsistent results of the research. Interestingly, we were accused of backtracking from our 1992 comprehensive literature review that documented inequities in the public schools. How Schools Shortchange Girls, our widely-cited 1992 report, never endorsed single-sex classes or schools as a solution to the problem of gender equity. Nevertheless, by the time Separated by Sex came out in March we already had been referenced faithfully in popular coverage as an ally of single-sex initiatives in public education. A typical article from last winter on single-sex classes even cited the AAUW as "the chief champion of the cause."

AAUW got cited as a witness on behalf of single-sex classes and schools in part because of a deeply-rooted assumption that the one obvious solution to gender trouble in the coed classroom is to stop having coed classrooms. This is an educational example, perhaps, of the Vietnam War notion that "we had to destroy the village in order to save it." Our report makes two relevant points here that I'd like to elaborate in my comments today: the coed classroom is not inherently inequitable, nor is the single-sex classroom inherently equitable.

Columnist Ellen Goodman, in response to our report, characterized the single-sex logic as a variant of the au courant idea that "girls attend PS Venus and boys attend PS Mars." Researchers Wahl and Campbell, who contributed a paper to our report, similarly conclude, the single-sex policy tends to assume that

> *"boys will be boys, and little, if anything, can be done to stop boys from disrespecting girls and creating a difficult environment."*

As an initiative, however limited in scope, the single-sex logic does seem to betray a certain resignation, or at least an understandable frustration, about the likelihood that there could be genuinely coeducational environments in our lifetime.

I was reminded of Wahl and Campbell's point when I read a Chicago Tribune article on an all-girls physics class. As the article tells it,

> *"a female student had given a presentation saying that girls were uncomfortable in science classes... They described a physics class as a 'shark tank.' The reponse from the physics teacher was to establish an all-female physics class."*

The teacher agreed with his female students that, in his terms,

> *"strong male students subverted the process by taking control, stopping the discussion... They interfered with the process of group responsibility."*

My image here was of a single-sex class "lifeboat," afloat in a shark tank that, apparently, the teacher felt helpless to modify or correct except by removing the girls. Clearly, we need to improve coed schools and classrooms. We could certainly have single-sex classes and simultaneously work to make coed classes more equitable in our schools. Wahl, Campbell, Rennie, and Lee, however, did express concern at our roundtable that single-sex classes may be substituting for, rather than complementing, the process of developing equitable institutions. As a policy, the single-sex option gives what one researcher calls the "appearence of acting," but may allow an evasion of the difficult but crucial changes in classroom practices, interactions, norms, and standards throughout the schools that would advance an equitable society. These standards include, of course, not engaging in the antisocial behaviors our physics teacher describes, such as "disrupting the class," interefering with others, thwarting group responsibility, and disrespecting peers. Wahl felt that the classes were "relieving pressure on the system," and in some respects "ran counter to our efforts to transform the organization of schools"; Lee characterized them more pointedly as a "quick fix."

In her 1994 research on classroom interaction in single-sex and coed schools, Lee found that an instructor's praise and stated respect for a girls' math acumen had positive effects for a female student in any context, but had doubly advantageous effects when it was delivered before boys in the class, who learn from the compliment that girls have competencies in traditionally male curricular fields. Her point, of course, is that equitable treatment needs to be "modelled" for all students. Single-sex educational environments may help girls to unlearn the social habits of passivity or low self-worth, but which environments will equip boys to unlearn socially destructive cliches about masculinity? Can one project— "fixing" the girls— be accomplished without attending to the other— "fixing" the boys? This is a crucial an consideration in trying to craft policies that advance an equitable society.

One parent notes that her daughter is achieving the "whole feeling of self worth" in a single-sex class.

> *"Look at violence against women," she elaborated, "you have to learn confidence, you have to learn to ay, 'no you can't hit me.'" It's getting life skills."*

Girls do have to learn these skills, to be sure, but it strikes me that the prior question—and project—is raising boys who don't hit women in the first place.

The saving and fixing the girls approach leaves half of the equity work- "fixing" the boys, as it were—to another agenda. Admittedly, the coeducational schools have not succeeded in fostering genuinely respectful, coeducational relationships and worlds. Still there needs to be some recognition in our feminist vision that the goal of equity in education involves all students, educators, and parents. Ultimately, equity involves deep institutional change.

As AAUW's research has shown, the coed environment in schools often is not genuinely coeducational—that is, equitable. Nor, however, is the coed environment inherently inequitable—"boys will be boys" essentialism aside. By the same token, many of our round table participants clarified that the single-sex environment is not inherently equitable. Several participants in the AAUW's round table cautioned that in fact there is no sure "escape from sexism" in a single-sex environment. Boys, girls, and educators carry with them internalized, gendered ideas about competency, social roles, and so on, even when only one sex is physically present in the classroom. We do not escape sexism, in other words, by escaping the other sex!

The reinforcement and embedding of gender roles, Valerie Lee and others found, can and does occur in single-sex environments as well. Lee's 1994 research found no fewer "sexist incidents" in single-sex classrooms she investigated, although single-sex and coed classrooms could foster different kinds of sexism. The single-sex environments tended to embed and reinforce sexist stereotypes—ie, the teacher who makes references to her girls falling in love with historical figures, and describes her approach to teaching as "hand holding."

Likewise, the science teacher who genuinely believes that girls can't "do science" or who "wraps calculus in a pink ribbon," as Lee notes, will not necessarily create an encouraging and challenging environment for female students even in a single-sex classroom. It takes committed, energetic, and imaginative teaching to accomplish that task, regardless of school type. More likely that teacher will reinforce a sense of low expectations or condescension, whether or not boys are present.

Furthermore, we need to expand our notion of "gender equity" to include critiques of homophobic practices, among others. Sex stereotyping in the form of homophobia and sexist insults such as the labeling of students as "sissies" or "fags," according to researcher Leonnie Rennie who's investigated Australia's public single-sex classes, occurs in both single-sex and mixed sex settings. In fact, this sort of sexism—using gender roles as way to put down students—according to other researchers is more dramatic and pronounced in all-boys' schools. As Rennie concludes,

> *"don't think there isn't rampant homophobia in single-sex schools because there is."*

Finally, although much of the interest in single-sex public schools today is inspired by gender equity concerns, it would be impossible to talk in the abstract about "single sex schools' philosophies about gender relations. The crop of "single-sex schools" overall includes those with fairly traditional mission statements and goals. These schools might just as easily impart sexist messages, expectations, or ideals as coeducational environments.

Even among the "1990s" generation of single-sex initiatives, researchers Diane Pollard and Carol Ascher have observed that African American immersion schools also have a unique mission: as Ascher writes,

> *"their content and structure emanate from a belief in the importance of gender difference."*

The programs all include

> *"appropriate role models of the same sex and "female and male initiation rites."*

These schools may be highly effective, but their declared mission and function is not synonymous with that of an all-girls' technology magnet school in suburban California which aims to boost girls' involvement with computers or math.

What makes the difference, then, if neither single-sex nor coed school types possess inherent equity advantages? Our review found that although sex segregation is the most visible and obvious feature of these schools, it isn't necessarily the feature that carries most of the difference between an ineffective and effective school for girls. In fact, our roundtable participants did agree, at the least, that statistically significant school type effects, when they are found, tend to be small in magnitude.

Our contributors thus try to elaborate, beyond school type, what distinguishes an equitable from an inequitable learning environment. Valerie Lee, for example, did find significantly higher achievement for girls in Catholic, single-sex schools, but did not find the same positive results when she studied Independent single-sex schools. After years of research on the topic, Lee has speculated that it is the organizational characteristics and properties that go along with Catholic all-girls' schools, rather than the fact that they were single-sex, per se, which may account for achievement gains. These factors include, for her, a focussed, all-academic curriculum, small schools that function as communities, equitable teaching practices, constructivist, hands-on instruction, an abundance of female administrators, and a controlled learning environment.

Neil Riordan, along with Jan Streitmatter, who attended our roundtable, does advocate single-sex public schools as an option, because in his research he finds that "single-sex schools work" for disadvantaged groups (he finds no particular benefits for girls of high socioeconomic status). Riordan speculates that the schools "work" because at this moment parents and students identify single-sex schools as "proacademic." They are not places where students go to hassle one another, or to conduct their social lives. Because these schools are associated with a "proacademic" mind set, they do stimulate higher achievement for disadvantaged groups, he has found, although other researchers disagree with his conclusions. He clarifies that a single-sex schools' identification as "proacademic" is related to its singularity on the educational landscape: the more single-sex public schools you have, the less the schools will be associated with aunique anti-youth culture orientation. But for now, given the rarity of single-sex schools—as opposed to classes within coed schools—this option sets in motion a "proacademic" school culture absent in many coeducational schools.

Ellen Wahl and Patricia Campbell echo Lee's conclusions about principles of good education. They conclude that we need to change the social organization of classrooms, institutions, and societies to promote high quality outcomes for students. They emphasize in their contribution to our report *that*

> *"the role of the teacher as leader, rule maker, and shaper of the school environment is critical."*

If the teacher does not establish rules against put downs of other students; if the teacher is not trained to engage the whole classroom; if the teacher does not have support for effective pedagogy, t hen it will not matter if the class is sex-segregated or not. Learning, for girls and boys, will suffer."

So, although our round table and papers started on the topic of single-sex public education, they shifted perhaps inevitably toward a much larger, and more fundmantal, consideration of what constitutes a good education, and how do we best ensure that both girls and boys get it? Here, the organizational and pedagogical qualities of a good education prevailed over school type—single-sex or coed—as the dominant factor in determing equitable and excellent learning environments.

Single-sex schools and classes, in fact, are nested within a still larger context—that of school districts and the public school environment overall. There is a perception that single-sex schools work or fail according to how well they serve the students attending them, which is of course of paramount importance. Yet in assessing the outcomes of single-sex reforms, it is crucial, several of our round table participants concluded, to consider the entire landscape of K-12 public education.

Our researchers emphasized that analyzing the effectiveness of single-sex environments solely for the students in them misses several points. Seldom do schools consider the impact single-sex classes have on the rest of the school, or the impact that a single-sex school might have on the rest of the public school environment. The attitude is more, well I'm taking care of my 150 girls.

Our researchers noted, for example, that

- The creation of single-sex classes skews the ratio in coed classes from which girls are drawn.
- The creation of single-sex classes may leave girls in coed classes without valuable role models or peer support
- Single-sex classes or schools can often create enmity or competition between teachers with strong preferences to teach all girls, and so on. The point here is that the single-sex classroom doesn't exist in a vacuum, apart from the school and district in which it is nested.

INEQUALITY AND THE FAMILY AND MEDICAL LEAVE ACT: RACE, GENDER, AND LEAVES FROM WORK

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ABSTRACT

Using national data, we show women, parents, those with little income, and African Americans are particularly likely to perceive a need for job leaves. However, only married women are particularly likely to take leaves; African Americans are significantly less likely to take leaves than Whites or Latinas. We argue that this disjuncture between needs and utilization is the result of the Act's provision for short unpaid leaves for a narrow slice of workers and people politically constructed as "family." The limits of the Act not only maintain but increase inequality based on gender, race, marital and parental status.

The Family and Medical Leave Act (FMLA) was signed into law by President Clinton in 1993 after protracted debate and at least a decade of delay. The Act's central provisions include a guarantee that people employed for more than 12 months (or 1250 hours) in companies with at least 50 employees within 75 miles of their worksite can take up to 12 weeks unpaid leave per year. Without losing their job, such workers can take that leave to care for a newborn or newly adopted child, for seriously ill spouses, children or parents, or to recover from their own serious health conditions, including pregnancy. "Serious" illnesses and health conditions are defined as those requiring at least one night in the hospital or continuing treatment by a health care provider. Clinton highlighted this bill in his 1998 State of the Union Address, proudly claiming it as the first bill he signed into law and suggesting that 15 million citizens had taken a family and medical leave since the inception of the Act. It was touted as a gender neutral bill that extended its rights and protections to men as well as women.

Clinton's claims notwithstanding, no one has analyzed national data on who it is that needs or has taken a leave since the passage of the Act. Moreover, while its passage was clearly a major political victory, its limitations especially its duration (12 weeks), lack of remuneration, and scope (including only a limited proportion of employers as well as a narrow definition of the family)— were also clearly a result of the coalition politics that promoted its passage. As Elison writes (1997:312), "The FML" is targeted to cover those within the primary sector of the labor market who are more likely to have access to financial and familial resources. Families with these characteristics would tend to be white, middle class, and married" (See also Marks, 1997). But no one has analyzed the consequences of these limitations.

In this paper we will use national data to analyze three general questions about job leaves.

1) who needs a leave?
2) who takes a leave and why?
3) how can we explain the difference between those who needs leaves and those who take them or, stated differently, what are the limits of the FMLA?

METHODS

We analyze data from the first national survey of leave needing and taking collected under the auspices of the Congressional Commission on the Family and Medical Leave Act. This Employee Survey randomly sampled the telephone household population of the coterminous U.S. aged 18 years and older who had been employed for pay any time between January 1, 1994 and the time of the interview (a time span of approximately 18 months). The field period was from June 1995 through August 1995. Data were obtained from a total of 2253 respondents.

The population was divided into three sample subtypes, based on responses to the following questions: "Since January 1, 1994, [have you/has RELATIONSHIP] taken time off from work to care for a newborn, newly adopted, or new foster child, or for [your/their] own serious health condition, the serious health condition of [your/their] child, spouse or parent that lasted more than 3 days or required an overnight hospital stay?"[1] If the informant answered no, they were asked "Since January 1, 1994 did [you/your RELATIONSHIP] need but not take time off from work?" Informants were told to include vacation and sick time when thinking about leave.[2] These questions were used to form the following three sample subtypes:

1) leave-takers, consisting of persons who did take a leave in the required time period for the reasons described;
2) leave-needers, consisting of persons who did not take a leave but needed to take one in the required time period for the reasons described;
3) employed-only persons who did not take a leave nor need to take a leave in the defined time period but who met the age and employment criteria for eligibility. In the analysis, we combine these subtypes in various ways to produce the sample outcome groups (e.g., in some analyses, we combine leave needers and leave takers to create a group of persons who needed leave). (For a fuller description of the methods, see Gerstel and McGonagle, 1998).

FINDINGS

Needing leaves

Within the year and a half after the Act was passed, a fifth of employees said they needed a leave from jobs for reasons covered by the Act. Who are they? As the results from the logistic regression models presented in Table 1 show, White women, African American men and women and those with low income, especially those with dependent children, are still significantly more likely to perceive pressure to take time off from their work than are white or Latina men and those with more income and no children at home. Net of other factors such as household income, children in the home, or job characteristics (like union membership), women are still significantly more likely than men to perceive a need to take a leave from their jobs.

Taking leaves

When we turn to actual leave taking, we find quite a different picture. While the majority (83%) of those who need leaves actually take them, 59% of those who took leave did so because of their own health. This means about 40% took leaves to provide care for someone else. As we will now show, and as critics of the FMLA warned, a great deal of inequality remains among these leave takers.

Table 2 examines whether individuals take those leaves they say they need: it presents results of logistic regression models, examining predictors of leave taking in the sub group of respondents who needed to take a leave. These results show that gender remains significant when other factors are controlled: women are significantly more likely to take a leave than are men. Importantly, as the interaction in Table 2 also shows, it is married women (or those with partners) who are significantly more likely to take a leave than married men; single women who perceive a need for a leave are not more likely to take those leaves than single men. This

TABLE 1. Logistic Regression:[a] Predicting Leave Needing[b]

Variables	b[c]	Odds Ratio
Gender[1]	0.47	1.60***
Children[2]	0.57	1.77***
Union[3]	0.06	1.1
Income[4]	0.26	1.30*
Married/Partner[5]	0.09	1.10
Race[6]		
Black	0.37	1.45*
Latina	0.24	1.27
Other	0.24	1.27
Intercept	-2.07	0.10***

* $p \leq .05$ *** $p \leq .001$

[a] Using SUDAAN

[b] Leave needing: 1= Yes (leave needer);0=No(employed only).

[c] Unstandardized coefficients

[1] Gender: 0=Male, 1=Female

[2] Children under 18 in Household: 0=No, 1=Yes

[3] Union: 0=Not Member Union, 1=Member Union

[4] Income:0=high income (=>$30,000), 1=low income (0-$30,000)

[5] Married/Partner: 0=never married/separated/divorced/widowed, 1=married or cohabiting

[6] Race: Black, Latina, Other are Dummy Variables for Race (0=No, 1=Yes); White is excluded category.

finding underlines the remaining power of men's— read husbands'— breadwinning to keep them always on the job (See Bianchi, 1996). It is marriage (rather than simply gender) that promotes the norm of feminine caregiving. As we have shown, the passage of the FMLA—on its face gender neutral—has not changed this highly gendered allocation of labor and roles.

In addition to gender differences, Table 2 shows that neither income nor the presence of children has a significant effect on leave taking. Recall that we found that those with less income, like those with more children, were significantly more likely to need a leave. Moreover, African Americans (men and women alike) are significantly *less* likely than their White or Latina counterparts to take a leave even though, as we have already shown, they are significantly more likely to perceive a need for such a leave.

EXPLAINING DIFFERENCES BETWEEN LEAVE NEEDING AND LEAVE TAKING

Numerous critics of the FMLA point to many limitations. It is short—only 12 weeks (see Hyde, et al.1996; Elison, 1996; Bravo, 1990 for analyses of the limitations of the length of leave). Here we will focus on three other important limitations—that the leaves are unpaid, narrow in scope, and do not insure informal organizational compliance. These limitations help explain the uneven use of the leave policy by those who need it.

Renumeration

The FMLA provides only unpaid leaves to covered employees—it thus encourages families to provide care but it does so without ensuring the income caregivers often need and want to support their families. Among those who took leave, however, most were paid during their leaves (47% were paid; 33% partially paid). *The fact that leaves are unpaid is the most common reason for not being able to taking a leave.* Of those who needed leaves, a majority (64%) said they did not take a leave because they could not afford one, and about half of those who did take leaves said they returned to work because they could not afford the extra needed time off. Moreover, of those whose leaves were unpaid or only partially paid, about one quarter had to borrow money during their leaves; and 11 percent received public assistance while on leave. This helps explain why on the one hand, it is married women—with husbands to support them—who are more likely to take a leave and why, on the other hand, those with low incomes or more obligations (like dependent children to support) cannot easily avail themselves of the leaves they say they need. The Act, then, bolsters inequality among families in their ability to give and get care.

Such class inequalities may be reinforced by the medical definition of "need" in the Act; it requires the provision of unpaid leave only when the employee cares for a relative with a sickness or injury requiring at least one overnight stay in a hospital or continuing treatment by a health care worker. On the one hand, this may reduce health care costs by substituting the unpaid leave of family members for costly medical professionals. But, on the other hand, it omits common health problems and may produce a greater reliance on health care providers to show "need." Poor non-whites are less likely to be able to pay for and gain access to such health care providers. This, again, reinforces the inequitable effects of the Act.

SCOPE OF THE ACT

Caregivers and Care Recipients

Limitations of coverage—on who can give care and who can get care—also help explain inequality produced by the disjunction between leave needing and taking.

Coverage of Caregivers

One of the major limitations of the act is those employees it covers. It excludes seasonal workers and temporary workers as well as those who work in firms with fewer than fifty employees; as some have noted (see, for example, Wexler, 1997), and we found, those covered are more likely to include whites, men, and the relatively affluent—as measured by higher levels of education and income levels.

We also did additional analysis on the potential effect of the FMLA as currently constructed by comparing, in a multivariate analysis, those with and without coverage. After accounting for demographic differences, we found that those in FMLA covered firms who perceive a need for a leave were no more likely to take that leave than those in firms not covered by FMLA (data not shown). This suggests that at least in the first 18 months after the Act's passage, whether an individual works for a covered firm does not have a significant effect on whether or not they could take a leave.

Our findings then begin to suggest that, on the one hand, for some especially advantaged workers, there are already numer-

TABLE 2 Logistic Regression:
Predicting Leave Taking among those Needing Leave[1]

Variables	b	Odds Ratio
A. Main Effect Model		
Gender	0.48	1.61***
Children	0.02	1.02
Union	0.21	1.23
Income	-0.10	1.00
Married/Partner	0.19	1.21
Race		
Black	-0.53	0.59*
Latina	0.04	1.04
Other	0.14	1.16
Intercept	1.26	3.51***
B. Interaction Model		
Gender	-0.02	0.98
Children	0.06	1.06
Union	0.22	1.25
Income	-0.08	0.93
Married/Partner	-0.23	0.79
Race		
Black	-0.52	0.60*
Latina	0.02	1.01
Other	0.10	1.10
GENMARR[2]	0.72	2.06*
Intercept	1.54	4.67***

* p ≤ .05 ** ≤ .01 *** p ≤ .001
[1] Probability of Leave Taking: 1=Yes (Leave Taker), 0=No (Leave Needer)
[2] GENMARR = Interaction of Gender and Married/Partner
Note: See TABLE 2 for description of other Variables.

ous leave polices in place, including paid leaves, both for a worker's own sickness and for childbirth that surpass the FMLA's guarantees. On the other hand, our findings provide further evidence that the FMLA—as currently constructed—is too narrow in scope, in some ways serving those already served by existing policy.

Care Recipients: Narrow definition of the Family

The second way the scope of the Act is limited lies in its definition of the family. Its proponents made much of its broad coverage--it not only covers leaves for mothers and fathers to care for birth and adopted children but also leaves to care for spouses and elderly parents. This broad, gender neutral coverage allowed a large coalition to form in the support of the Act's passage. However, it does not cover that wide range of kin (like siblings, grandparents, aunts or uncles), in-laws, and "fictive kin" who routinely need and receive care from those close to them. It does not cover those who are not legally married, including those gays and lesbians who cannot legally marry.

Our data show that numerous respondents, especially women, need to (and some do) take leaves from work to care for relatives and non-relatives not covered by the Act, often at considerable cost to themselves and their families. Although we did not directly ask the question, four percent *spontaneously* mentioned they took leave for those (kin and non-kin) not covered by the narrow definition of the family in the Act.

Of course, this narrow definition is not some random result. Instead, the family was tightly constructed in this narrow way by the explicit and intense political debates in the Senate and House. The Family and Medical Leave Act, like so much other family policy, uses a narrow definition of the family--a definition that is perhaps politically acceptable but nonetheless exclusive. Many have made this general point but we want to emphasize that this definition excludes lesbians and gays as well as that wide range of kin and "fictive kin" (non blood ties) that are likely to be counted as family *especially (but not only) among Latina and African Americans* (Stack, 1974; Collins, 1994; Jarrett, 1997).

Organizational Responsiveness

The inequalities in leave taking that we found are increased by organizational and unofficial responses to official policy. More important, even when the organizational culture seems responsive to family concerns, researchers suggest that immediate bosses may not be committed to or may even discourage family friendly policy, like family leaves, especially for those in lower positions (Hochschild, 1997).

We found differences, especially by gender and income, in such workplace responsiveness. Women were significantly more likely than men to say that when they took a leave, they "felt pressure to return to work by bosses and co-worker" (26% vs. 19%, t 1.67, .10<p<.05). While the differences by race were not significant, class differences were: compared to those with more income, those with less income were significantly more likely to feel such pressure to return to work (28% vs. 21%, t 1.65, .10<p<.05) and they were also significantly more likely to report they had been denied time off to attend to family medical concerns (4% vs. 10%, t 2.44, p<.01). Such analyses suggest that some groups already disadvantaged are less likely to take leaves because their workplaces and bosses are less "friendly" to their families. As Galinksy et al (1996) argue, the implementation of policies by managers and their legitimization by organizational ethos may be even more important than official policy in determining whether employees take leave or experience conflict about doing so. The FMLA helps reconstruct and expand that ethos but it does not go far enough.

CONCLUSION

We found considerable demand for job leave over the eighteen month period after the passage of the FMLA. Our study may even underestimate, by its design, the extent to which Americans are likely to need and use the FMLA. Given the available data, we had to measure demand by actual leaves or perceived need for them. A better measure would be one independent of leave taking, one that focused on underlying conditions—of, for example, the health of relatives and the availability of alternative modes of care. This, in all likelihood, would produce a higher estimate of potential demand.

At the same time, our findings lead us to emphasize that at least a substantial portion of these workers could have taken these leaves before the passage of the Act. Importantly, those who are disadvantaged remain so since its passage—as a result, the Act may actually exacerbate the inequalities it could diminish. More specifically, we found that not only gender but also race, marital status and parental status, matter. The FMLA imposes limits, and its limits maintain (perhaps even bolster) rather than reduce inequality by gender, marital status, parental status and race. We suggested that these limitations are the result of a number of factors. Most important among these is the fact that leaves are so often unpaid. In 1996, the bipartisan Congressional Commission on Leave issued a final report to Congress, suggesting the "development of a uniform system of wage replacement for periods of family and medical leave be given serious consideration by employers, employee representatives, and others" (Commission on Leave, 1996: 198). Partial models are already provided in temporary disability insurance (TDI) plans which are now used in some states to allow employees to draw part of their wages during leave for a medical condition (Bravo, 1995). Our analysis further highlights the need for such income replacement during leave.

Not only are the leaves unpaid, but they provide for only a narrow band of family members and cover only a part (especially the primary sector) of the labor force. In addition, these inequalities may also be reinforced by the medical definition of "need." To some extent, the extended family leave policy put into effect in 1997 (after the FMLA) addresses this problem. However, this extension only adds 24 hours over a 12 month period and remains unpaid. It clearly does not alleviate most of the disadvantages we have analyzed here.

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THE DETERMINANTS OF TIME OFF WORK AFTER CHILDBIRTH: DO FAMILY, PARENTAL AND MATERNITY LEAVE POLICIES MAKE A DIFFERENCE?

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ABSTRACT

Relatively little is known about the role that family, parental or maternity leave policies play in facilitating maternal time off work after childbirth. Yet time off work is a critical element of policies as it facilitates the mother's recovery from childbirth and promotes maternal infant attachment. We examined the extent to which policies, relative to personal and workplace characteristics, determine the duration of women's childbirth-related leaves from work in a random sample of 654 Minnesota women. Eighty-five percent of women had access to paid leave benefits; only 46% had paid maternity leave benefits. Paid leave policies and spousal earnings were primary determinants of maternal time off work suggesting problems in the use of unpaid leave for economically vulnerable women.

INTRODUCTION

Empirical evidence on the role that workplace policies—family, parental or maternity leave —play in facilitating maternal time off work and well-being after childbirth is limited. Yet the duration of time off work after childbirth is an important element of such policies as it enables a woman to recover from childbirth and promotes the development of her relationship with her infant. Gjerdingen et al (1993) suggest the 6 weeks traditionally associated with childbirth may be insufficient for some women due to health concerns which may persist throughout the first year after childbirth. Several disorders—fatigue, breast symptoms and hemorrhoids—persisted in women studied for at least three months after childbirth; respiratory illness and sexual symptoms persisted for some women throughout the first postpartum year. Gjerdingen and Chaloner (1994) also report significant changes in women's general mental health, depression, and anxiety over the first postpartum year with the least favorable outcomes at one month and the most favorable outcomes at 12 months postpartum. Longer work hours and maternity leaves less than 24 weeks duration were the employment factors associated with poor mental health.

In 1991-1992 we surveyed a random sample of 654 women from the Twin Cities metropolitan community to estimate the relationship between maternal time off work and health after childbirth, focusing on the effect of maternity, parental and other leave policies. While our findings preceded the 1993 enactment of the Family Medical Leave Act (FMLA) they suggest the impact of leave policies on maternal well-being and identify issues for potential remedy, such as longer leaves and paid leaves.

Why is our experience relevant to this national discussion on the FMLA ? With 69.8% of its women in the labor force, Minnesota has the highest female labor force participation rate in the nation (IWPR, 1996). In addition, Minnesota's parental leave law applies to mid-sized companies, comparable to current proposals to expand the FMLA (National Partnership for Women & Families, 1998). The state's parental leave law covers employers with 21 or more employees at a single worksite (Minn. Stat. 181.940). Eligible Minnesota employees are granted 6 weeks of unpaid leave in conjunction with the birth or adoption of a child. A longer duration leave, and any wage replacement, varies with the employers' policies, e.g., vacation, sick, maternity or disability leave. Additionally, a 1990 amendment to the Minnesota law, enables a parent to use her own sick leave benefit to care for her infant when ill.

While FMLA leave is used for many individual health and family caregiving situations, almost one-fifth of all leave is taken by parents caring for a newborn, adopted, or foster care child, and by women as maternity disability leave (Commission on Leave, 1996). The purpose of this paper is to examine the impact of childbirth-related leave on maternal health and time off work.

THEORETICAL FRAMEWORK

We used economic theories of health and workforce participation developed by Becker (1965) and Grossman (1972) to develop our research model, described elsewhere (McGovern et al. 1997). A woman is assumed to maximize a utility function with her own health, her baby's health and family income as arguments, subject to constraints on time and money. Mother's and baby's health is produced using the mother's own time, the time of other family members and purchased services such as day care.

METHODS

A random sample of women was identified at five months after childbirth from vital statistics records obtained from the Minnesota Department of Health. Potential subjects received a letter, followed by a telephone call, to establish eligibility at five and one-half months after childbirth. Study eligibility criteria included: having a live birth; keeping rather than relinquishing one's infant; speaking English; living in the Twin Cities; and working continuously for one year before childbirth, for at least 20 hours a week (for purposes of eligibility for Minnesota's parental leave benefits). From a sample of 856 women, 654 eligible women participated; our response rate was 76%.

Two primary data sources were used. The medical supplement to the birth certificate provided demographics and the mother's and infant's health status information. A telephone interview with eligible women at approximately 7 months after childbirth provided data for other variables.

We estimated equations for maternal health and time off work. Measures used for the variables in the model are described elsewhere (McGovern et al, 1997; 1998). Existing measures with established reliability and validity were used where ever possible. The variables of primary interest to this paper are described here.

Women's health outcomes were assessed with established measures of mental health (depression, anxiety, and positive affect), vitality (energy and the absence of fatigue), and an adapted measure of limitations to daily role function, taken from the SF-36 (Stewart and Ware, 1992). In addition a measure of symptoms specific to women's health after childbirth was adapted from Gjerdingen et al (1993). Exogenous variables in the maternal health equation included: demographics, the mother's prenatal health status, labor and delivery complications, delivery type, early maternal health complications, concurrent maternal and infant symptoms, maternal sleep, job characteristics and satisfaction, available social support, difficulty arranging childcare, and satisfaction with childcare. Endogenous inputs to health included maternal time off work, and purchased goods and services.

The time off work equation employed measures of total days, unpaid and paid, adapted from O'Connell (Census Bureau, 1990). To enhance the reliability and validity of women's recall interviewers used a calendar and telephone probes to assist women in identifying specific days of starting work in relation to childbirth. The measures of employment policy—vacation, sick days, maternity leave and total duration of leave—were created for this study. A random sample of 100 women's reports of employment benefits were validated through telephone interviews with their employer. Results indicated that the majority of women knew their leave benefits. The proportion of women reporting their leave benefits without error ranged from 72% for paid vacation and sick leave to 87% for paid maternity leave and unpaid leave.

All explanatory variables in the maternal time off work equation were treated as predetermined. These included: available paid vacation, sick and maternity leave and unpaid leave policies, infant birth characteristics, the mother's labor and delivery complications, early maternal and infant health complications, perceived pressures to return to work, full or part-time employment status, family friendly workplace culture, demographics, earnings and income, health insurance coverage, and childcare costs.

The maternal health equation was estimated with weighted-Two Stage Least Squares (2SLS). The time off work equation was estimated with weighted-Ordinary Least Squares (OLS).

RESULTS

The majority of subjects were married (67%) and white (91%). On average, they were 30 years old and reported 14 years of education; more than half (55%) were first time mothers. At the time of childbirth, women had worked with their employer for an average of five years.

By seven months after childbirth more than 95% of the women were back at work. Women's mean score of 72 on the mental health measure was comparable to the national norm for females ages 25-34 (Ware et al, 1993). Women's mean score of 53 on the measure of vitality was lower than the national norm of 58 (Ware et al, 1993), suggesting fatigue. The greatest difference between postpartum women and national norms was observed on the measure of role function. Only thirty percent of our sample reported no limitations to daily role function in contrast to 69-75% of the reference population (Ware et al, 1993).

The average duration of time off work after childbirth for all women was 10 weeks; more than 95% of the mothers returned to work by seven months after childbirth. However, women's duration of time off work varied dramatically in association with their paid leave policies. Eighty five percent of the women reported having some paid vacation or sick leave benefits. However, only 299 (46%) of subjects had paid maternity leave benefits; the average duration of their maternity leave was about 5 weeks. Approximately 15% of subjects (96) reported having no vacation, sick leave or maternity leave benefits (30 of these women were self-employed).

The difference in duration of leave between women with and without paid leave policies was approximately 4 weeks—a substantial difference for most women and their infants. Bivariate analyses of women with and without paid leave benefits revealed that, on average, women without paid leave benefits were 1.7 years younger, reported lower annual earnings ($9675 less) and less spousal earnings ($4152) in the year before childbirth.

The positive effect of time off work on maternal health became apparent at 12, 15 and 20 weeks after childbirth for measures of maternal vitality, mental health and daily role function, respectively. Two-stage least squares estimates of maternal health equations revealed other determinants of better maternal health to include fewer prenatal mental health symptoms, more sleep, fewer concurrent acute symptoms, fewer infant illnesses, part-time employment (less than 32 hours/week), more social support, less difficulty arranging child care, higher levels of job satisfaction, and less physical exertion on the job (see table 1).

Factors associated with more maternal time off work after childbirth, measured as days, included more generous leave policies, higher levels of spousal earnings, more generous health insurance coverage, higher childcare costs, the incidence of multiple birth (e.g., twins), fewer pressures to return to work (e.g., a concern that staying out on leave might affect one's potential pay raise or promotion), part-time rather than full-time employment, a more family-friendly work culture, less job flexibility, and increased maternal age (table 2). Findings specific to policy and economic determinants of maternal time off work are described here.

The duration of leave granted by policy had a positive effect on women's time off work. With each additional day of paid leave policy (vacation and sick, or paid maternity leave) the average woman took approximately one-half more day of time off work. The estimated effect of any unpaid leave policy (in addition to paid leave) on total days off work was negligible.

An interaction term was included for each type of policy, measured in days, and annual family income, measured in dollars. The inter-

Table 1 (McGovern et al, 1997)
2SLS Results of Maternal Health Equations (N=654)

	Mental Health		Vitality		Role Function	
	Adj R^2=.21		Adj R^2=.26		Adj R^2=.15	
Independent Variable	Coefficient	t-ratio	Coefficient	t-ratio	Coefficient	t-ratio
Time off work (days)	-0.2128	-2.01	-0.2781	-1.98	0.0364	2.31
Time of work-squared (days2)	0.0010	1.70	0.0017	2.10	-0.1321	-1.49
C-section delivery (0-1)	1.95	1.26	1.569	0.76	-0.2253	-0.97
Labor & delivery complications (0-1)	3.627	0.66	-3.8044	-0.52	-0.0957	-0.12
Chronic disease (0-1)	0.5523	0.28	-0.4004	-0.15	-0.1517	-0.51
Prenatal mental health (0-1)	-6.7337	-5.58	-5.1946	-3.24	-0.1058	-0.59
Multiple birth (0-1)	2.4302	0.56	-1.6892	-0.29	-0.4850	-0.74
Sleep (hrs/day)	-0.9831	-1.67	2.2266	2.89	-0.1824	-2.07
Early complications (0-1)	4.5276	0.57	3.3226	0.31	-0.2290	-0.19
Intervening problems (0-1)	16.694	1.12	1.1039	0.06	-0.6268	-0.28
Maternal noninfectious symptoms (0-6)	-1.6333	-3.00	-3.0727	-4.18	0.2641	3.26
Maternal infectious symptoms (0-9)	-0.7906	-1.84	-0.3540	-0.62	0.1310	2.05
Infant symptoms (0-8)	-0.4143	-1.37	-0.9264	-2.30	0.0880	1.95
Health services ($)	-0.0091	-1.13	0.0033	-0.30	-0.0014	-1.17
Substitute services ($)	-0.0141	-0.43	-0.0158	-0.37	0.0032	0.65
Full-time (0-1)	-2.4122	-1.67	-2.137	-1.11	-0.4069	-0.19
Social support (11-25)	1.1738	7.07	1.1311	5.13	-0.0892	-3.06
Age (yrs)	0.0350	0.23	-0.3939	-1.91	-0.0076	-0.33
White (0-1)	-5.6611	-1.74	-1.8969	-0.44	0.5155	1.06
Education (yrs)	-0.0353	-0.06	0.2134	0.27	-0.1047	-1.19
Married (0-1)	-0.3614	-0.14	1.031	0.31	0.1880	0.49
Maternal earnings ($)	0.61-e05	0.07	-0.23e-04	0.20	-0.44e-05	-0.34
Spousal earnings ($)	-0.18e-04	-0.41	-0.46e-04	0.79	-0.13e-04	-1.95
Difficulty with child care (1-4)	-1.5892	-1.80	-2.8393	-2.41	0.3205	2.43
Satisfaction arranging child care (1-5)	-0.2808	-0.21	-0.2910	-0.16	0.1108	0.55
Number of children	0.4532	0.55	-0.3516	-0.32	0.0319	0.26
Smoking (cigarettes/day)	-0.2454	-0.48	0.2911	0.43	-0.0697	-0.91
Job satisfaction (0-10)	0.6218	1.64	1.44	2.86	-0.1393	-2.47
Job exertion (1-4)	-0.3510	-0.45	0.5340	0.51	0.2854	2.43
Time of interview (5.5 mo-8.5 mo)	-0.8515	-1.02	-0.8537	-0.77	-0.0621	-0.50

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Table 2
Time Off Work Equation: OLS Results (McGovern et al, 1998)

Variable (scoring)	Coefficient	t-ratio
Vacation & sick policy (days)	0.0121	4.63
Maternity policy (days)	0.64e-02	2.94
Maximum leave policy (days)	0.87e-03	2.03
Gestation & birthweight (0/1)	-0.1659	-0.08
Missing birth certificate data (0/1)	-0.0059	-0.10
Anomalies (0/1)	-0.0133	-0.08
C-section (0-1)	0.0626	0.88
Labor & delivery complications (0-1)	0.1732	0.66
Chronic disease (0-1)	0.0397	0.42
Prenatal mental health symptoms (0-1)	0.0796	1.52
Multiple birth (0-1)	0.4614	2.15
Baby early complications (0-1)	0.2565	1.67
Maternal early complications (0-1)	0.2323	0.96
Work pressures (0-8)	-0.0805	-4.27
Full-time (0-1)	-0.1846	-3.05
Family-friendly work (0-16)	0.0273	2.23
Self-employed (0-1)	-0.7902	-3.58
Job flexibility (0-12)	-0.0616	-6.22
Maternal earnings ($)	0.95e-06	0.33
Other income ($)	0.97e-05	4.48
Interaction of vacation & sick leave policy by income	-0.11e-06	-3.69
Interaction of maternity leave policy by income	-0.62e-07	-1.78
Interaction of total leave policy by income	-0.98e-08	-1.5
Interview date	-0.0131	-0.34
Maternal age (yrs)	0.0139	2.06
Married (0-1)	0.0354	0.49
White (0-1)	-0.2724	-1.86
Education (yrs)	0.0296	1.69
Children (#)	-0.0512	-1.57
Insurance (0-6)	0.0435	2.48
"Free" help (1-6)	-0.0035	-0.21
Child care cost ($)	0.0730	3.38
Prenatal time off (days)	0.0014	1.97

action terms were evaluated at the sample mean for income. The interaction of vacation and sick leave by family income was significant and negative, and the interaction of maternity leave by family income was borderline significant and negative. These results suggest the effect of paid leave on maternal time off work declines as family income increases.

Women whose spouses or partners made more money took more time off work. For every additional $1,000 per year a woman's partner made, she took, on average, an additional .68 day off work.

Women with more generous health insurance coverage took more time off work. The three items constituting this construct assessed women's health plan coverage for hospital admissions, therapeutic office visits, and preventive services. Using a three item response option (all, some or none) as a woman changed one unit (e.g., from none to some) on one item (e.g., "coverage of preventive services") she took, on average, 3 more days off work than her peers.

We initially found that marital status was non-significant in the model. This was surprising and contrary to our hypotheses that single mothers would use less total time off work. One possibility was that we had inadvertently "controlled away" the effect of marriage through the inclusion of other explanatory variables. So, to assess the effect of marital status, we estimated the model a second time for all mothers omitting the explanatory variable of other or spousal income. The findings revealed that, on average, single mothers took 11 fewer total days off work after childbirth than their married peers. The difference in family incomes between groups was significant, on average, $55,408 per year for married mothers vs. $28,991 per year for single mothers. This is a conservative estimate of the impact of marital status on time off work as approximately 55% of single mothers reported some spousal income despite their legal status as single.

Study limitations relate to the generalizability of findings. Women in this study had excellent insurance coverage; less than 4% of women lacked coverage. Additionally, there were few women of color, approximately 4%, consistent with state data revealing 6.7% of Minnesota's births are infants of color (MDH 1991).

IMPLICATIONS

Our findings suggest that time off work in association with childbirth is a critical investment in maternal health. The positive effect of leave on health began at 12, 15 and 20 weeks after childbirth, for measures of maternal vitality, mental health and role function, respectively. However relatively few women took leaves of sufficient duration to experience these benefits. Approximately one-third of women had returned to work at 6 weeks, one-half at 8 weeks and three-quarters at 12 weeks after childbirth. Given that most public polices provide only unpaid leave we question the ability of lower income women to use unpaid leave for even the minimum 6 weeks traditionally recommended by physicians.

Leave appears to have a lagged effect on maternal health suggesting the importance of paid leave, and our results show paid leave policies are a strong determinant of more maternal time off work. Yet, approximately half the women lacked paid maternity or parental leave benefits.

Two concerns exist for women lacking paid leave benefits. First, women lacking paid maternity or parental leave benefits are likely to use paid vacation and sick leave immediately after childbirth. They then lack paid leave benefits for the remainder of the first postpartum year when the incidence of acute illness for mothers and infants is relatively common (Kamerman et al, 1989). Secondly, for women lacking any paid leave benefits (maternity, sick or vacation leave), unpaid leave benefits are critical for job security. While FMLA benefits will cover childbirth-related leave, FMLA benefits may not apply in cases of subsequent maternal and infant illness as the employer has the right to refuse an employee's request to use intermittent leave in association with childbirth. Additionally, many common illnesses experienced by mothers and infants will not be covered by the FMLA's definition of a "serious health condition".

Economic factors such as spousal income had a large effect on maternal time off work. The greater the earnings of a woman's spouse/partner the more time off work she took. Not surprisingly, marital status had a significant impact on time off work. Single mothers took, on average, 11 fewer days off work than their married peers, raising equity questions about unpaid leave particularly relevant to the FMLA.

Prospects for a paid family medical leave program being adopted in the near future appear remote given the opposition from the business community during the FMLA debates, and the public's aversion to tax increases as described by Hartmann et al (1995). As an alternative, a means-tested system of wage replacement for employee medical and family leave could be considered by employers, unions, and states. Our results suggest that where paid leave policies exist, lower income women take greater advantage of benefits than higher income women. Thus a paid leave policy targeted at lower income women may be an efficient strategy for addressing equity issues.

Health insurance coverage was also associated with more maternal time off work. This finding relates to discussions of lowering the employer size threshold for covered establishments. The employers' FMLA obligation to continue their share of the leave taker's group health plan premium may enable some women to take needed leave they might otherwise not be able to afford. For example, 41% percent of women we studied stated that needing to pay their health insurance premium was a decisive factor in timing their return to work after childbirth.

In conclusion, a growing body of literature suggests that time off work in association with childbirth is a critical investment in maternal health (Gjerdingen et al. 1993, 1994; McGovern et al. 1997). Leave policies, particularly paid leave benefits and individual economic factors such as spousal income and health plan coverage, clearly affect women's use of time off work after childbirth. Private and public policy makers need to insure that, at a minimum, the most vulnerable families have access and can afford to use such policies. The difference in leave between women with paid and unpaid benefits was substantial—about 4 weeks. The demand for paid family leave care will likely grow as the proportion of women workers in the labor force continues to increase, yet current proposals for expanding the FMLA do not address the issue. State policy makers, unions and employers may need to take the initiative.

ENDNOTES

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THE FAMILY AND MEDICAL LEAVE ACT IN COURT: AN ANALYSIS OF IMPORTANT LEGAL DECISIONS FIVE YEARS AFTER IMPLEMENTATION

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ABSTRACT

Between December, 1994 and May, 1997 at least 46 court cases related to the Family and Medical Leave Act were filed and processed. All plaintiffs were employees. Almost half of the cases filed concerned either job security questions or conflicts over recognizing the seriousness of the illness of employees requesting leave. Only three cases addressed the degree of illness of an employee's family member. Other areas of conflict included how time is calculated in determining eligibility, employees giving proper notification, and employers providing employees with adequate and accurate information about the provisions of the FMLA. Of the 46 cases, 32 (70%) were won by employers; 14 (30%) by the employee. Females were plaintiffs in 28 cases (60%); males filed 18 cases (40%). The study identifies various policy implications and makes recommendations for improving the FMLA.

THE FAMILY AND MEDICAL LEAVE ACT IN COURT

Previous studies at the state level, combined with the 1996 report of the Commission on Family and Medical Leave, provide important insights into the implementation of family leave policy and its impact on corporations. However, an area that remains relatively unexplored to date, five years after the Family and Medical Leave Act took effect, is the extent to which the FMLA has been the focal point of legal action. That is, what issues have been raised in court, who has raised them, why, and how have the courts ruled?

An emerging data base for identifying various implementation issues related to the FMLA is the growing body of court cases brought forth since the law took effect in 1993. Two primary sources for collecting such data are LEXIS, the computerized national data file of assorted legal documents and court cases, and the Thompson Publishing Group, a specialist in monitoring the implementation of labor-related legislation. Thompson publishes The Family and Medical Leave Handbook (1993) which includes monthly updates of all legal activity (primarily court cases) related to the administration of the Family and Medical Leave Act.

STATEMENT OF PURPOSE AND RESEARCH METHOD EMPLOYED

The purpose of this study was to conduct an exploratory review of court cases directly related to the implementation of the FMLA. The research project was completed in four steps. First, five specific research questions were posed. One, what issues or questions were brought before the courts? Two, were the cases brought by the employee or employer? Three, in cases brought forth by employees, what was the breakdown by gender? Fourth, what were the rulings in the cases and how many were won by employers in comparison to employees? And five, for those employees who filed cases, what was the breakdown by gender in terms of court victories and defeats?

Second, through a LEXIS search and a review of the Family and Medical Leave Handbook, including its updated supplements, 46 court rulings between December, 1994 and May, 1997 were identified. Of those, all but three were decided in U.S. District Courts. Two of the three remaining cases were decided in the U.S. Court of Appeals (4th and 5th circuits) and the third cases was heard by the Wisconsin State Court of Appeals.

Third, based on a review of the 46 cases, and with particular attention focused on the issues being raised, 10 issue categories were created. The cases were then examined through this analytical prism and the five research questions posed above were applied to each category and answered accordingly. The 10 issue categories employed include 1) the question of job security; 2) the seriousness of the employee's illness; 3) issues concerning the calculation of time when taking time off; 4) the use of the FMLA by employees as a protector, shield, or excuse to adjust work schedules; 5) giving sufficient notice to the employer prior to taking time off; 6) defining the employer; 7) seriousness of illness of the employee's family member; 8) information provided by employers to employees regarding rights under the FMLA; 9) issues concerning labor contracts that may conflict with FMLA provisions; and 10) miscellaneous questions related to the general category of eligibility for family leave.

The fourth and final step of this research project was to summarize the results of the study, draw particular conclusions from the findings,, and make specific policy recommendations designed to improve the continuing process of implementing the Family and Medical Leave Act. What follows is a presentation of

TABLE 1

FMLA COURT CASES BY ISSUE CATEGORY AND FREQUENCY

Issue Category (n=10)	Number of Cases (n=46)
Job Security	11
Seriousness of Employee's Illness	11
Calculating Time	4
Definition of Employer	4
Seriousness of Illness of Family Member	3
Giving Sufficient Notification	3
The FMLA as a Shield or Protector	3
The FMLA and Labor Contracts	3
Information Provided to Employees by Employers	2
Eligibility for Leave/Miscellaneous	2
Totals =	**46**

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the research findings followed by a discussion of their policy implications.

FINDINGS

The responses to the five research questions will be presented under each of the 10 issue categories identified above. Both Tables 1 and 2 represent a summary of the research findings. Table 1 lists in descending order the number of cases heard under the 10 issue categories. As indicated in the Table, nearly half (22 of 46) cases concern either the issue of job security for employees or the employer's authority in determining the seriousness of an employee's illness. "Calculating time" and questions concerning the definition of "employer" were focal point issues in four cases under each category. Only three cases were heard regarding the seriousness of the illness of a family member (Was it serious enough to warrant a leave of absence under the FMLA?) and three other cases addressed the issue of notification guidelines. It appears that FMLA information provided to employees by employers, as well as basic eligibility questions, have emerged over the last five years (only two cases under each category), but neither has become a major problem in implementing the law to date. For clarification purposes, each issue category is defined briefly in Table 1.

Table 2 illustrates the number of cases determined, who filed complaints by gender, and what were the final court rulings - also broken down by gender in terms of victories and loses. As presented in the Table, all 46 cases were filed by employees. Of those, 28 (60%) were female plaintiffs and 18 (40%) were male. In court rulings, the employers prevailed in 32 of the 46 cases or 70% of the time. Employees, on the other hand, were successful in slightly less than one-third of their cases, winning only 14 (30%) of the 46 cases. When viewed further from the perspective of gender differences, females won a higher percentage of the cases they filed than did male plaintiffs. That is, females won 35% (10 of 28) and lost 65% (18 of 28) of the cases they filed, compared to men who won only 22% (4 of 18) and lost 78& (14 of 18) of their cases. These results will be discussed in greater detail later. What follows is an analysis of those court rulings under each of the 10 issue categories outlined above and identified in Table 1. A complete listing of the 46 court cases is presented in the appendix.

TABLE 2

FMLA COURT CASES BY FILERS, GENDER, AND OUTCOME

Total Cases = 46*

Filed by Employers = 0

Filed by Employees = 46

Plaintiffs by Gender

Female Plaintiffs = 28 (60%)

Male Plaintiffs = 18 (40%)

Case Outcomes

Employer wins = 32 cases won (70%)
Employee wins = 14 cases won (30%)

Outcomes by Gender (When employee wins)

When female wins case = 10 (35% of cases filed)
When male wins case = 4 (22% of cases filed)

Outcomes by Gender (When employee loses)

Female loses = 18 (65% of cases filed)
Male loses = 14 (78% of cases filed)

*One case was filed by a couple that produced two separate court rulings. Thus, there were 45 cases by title but 46 separate rulings in all.

THE 10 ISSUE CATEGORIES

Issue #1 - Job Security

A key provision of the 1993 Family and Medical Leave Act is that an employee has the right to assume his or her old job or an equivalent position upon returning to work. This provision, however, has become quite contentious over the past four years. Of the 46 cases filed between 1994 and 1997, 11 (almost 25%) concerned job security. Eight of the 11 cases were filed by females, three by males. More importantly, perhaps, employers prevailed in nine of the 11 cases. Selected cases under this category are discussed in greater detail below.

One of the first rulings on job security, Lempres v. CBS Inc., concluded that the FMLA does not guarantee job security. That is, although one is assured the same or comparable job upon returning to work, there is no guarantee that employment in that position will be long-term. When Christina Lempres returned to work after her maternity leave she was unconditionally offered her previous position. When she inquired about its permanence, however, she was informed that it was "as permanent as anything else in the news business" (1996 U.S. Dist. LEXIS 2324). In Patterson v. Alltell Information Services Inc. and Day v. Excel, Edward Patterson and Donald Day both lost their jobs when their employers downsized during their leaves of absence. Two separate U.S. District Courts ruled that such dismissals do not violate the FMLA if they are part of budgetary cutbacks.

Similarly, two other court rulings indicate that "job security" can be an extremely elusive term under the FMLA. In Clay v. City of Chicago the U.S. District Court dismissed Dorothy Clay's claim that the city of Chicago violated her FMLA rights when it dismissed her for "poor job performance" shortly after she returned to work after taking leave. In Beckendorf v. Schwegmann Giant Super Markets Inc. it was ruled that the employer was not required to reinstate her in the same or comparable position if she was incapable of performing her job.

All five of these cases raise interesting legal questions. Can corporate downsizing or reorganizing be used to undermine the FMLA or at least provide a legal loophole for employers? Can an employee eventually be punished for taking a leave and be dismissed, even though the employer initially met the FMLA requirements by reinstating the employee in an equivalent or comparable position? As was raised in the Lempres case, what is meant by "job security" in terms of time on the job after one returns to work? On the other hand, to what extent should incompetent employees be granted immunity from dismissal under the FMLA?

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Of the two cases related to job security in which the employees prevailed, one (Peterson v. Slidell Memorial Hospital and Medical Center) concluded that an employer cannot place a returning employer in a more demanding position than the one vacated for a leave of absence and then declare the new position "equivalent." The other ruling (Fejes v. Gilpin Ventures Inc) concluded that an employer (a gambling casino) must grant an employee (a blackjack dealer) the opportunity to renew her license that expired while taking FMLA leave.

Issue #2 - Seriousness of Illness of the Employee

Eleven cases were identified under this category in which questions were raised concerning the seriousness of the illness of the employee. That is, have courts determined what illnesses in particular should be recognized by employers and how serious must they be in order for an employee to be granted a leave under the FMLA?

As presented in Table 2, of the 11 cases listed under this category, seven were filed by males and four by females. One case, Murphy v. Cadillac Rubber & Plastics Inc., was filed by a married couple that produced two separate rulings by the same court. One ruling concerned the health condition of the employee (the wife had a miscarriage); the other dealt with the health condition of a family member (the husband took leave to care for their ailing son). Employers won seven of the 11 cases; the employees won four. Of the four cases won by employees, the victories were equally divided between male and female plaintiffs with two each.

Four cases in particular serve as indicators of what the courts do not consider to be serious health conditions for employees. In Oswalt v. Sara Lee Corp., for example, it was concluded that food poisoning was not a serious illness because it did not require inpatient care or continuing treatment by a health care provider. Nor was occasional rectal bleeding (Bauer v. Dayton-Walther Corp.), sinobronchitis (Hott v. VDO Yazaki Corp.), the normal conditions of pregnancy (Gudenkauf v. Stauffer Communications Inc.), or an ongoing arthritic condition (Reich v. The Standards Register Co.) considered serious enough to warrant time off from work under the FMLA.

At least three other types of employee illnesses were considered serious enough for FMLA converge. In Reich v. Midwest Plastic engineering Inc. the court concluded that a pregnant employee with chicken pox is guaranteed protection under the FMLA. In George v. Associated Stationers Inc., the U.S. District Court took the Reich ruling one step further by concluding that an employee (in this case a male) with chicken pox (and obviously not pregnant) was entitled to time off under the FMLA. And, in Murphy v. Cadillac Rubber & Plastics, an employee's miscarriage was considered a serious illness.

The other cases under this category also concerned the seriousness of employee illnesses but rulings were anchored more to the process of seeking leave (obtaining a doctor's assessment, for example) than to actual health conditions. However, it appears that gauging the seriousness of employee illnesses will continue to be complicated and treacherous territory for both employers and employees to explore.

Issue #3 - Calculating Time

The issue of time was one of several political flash points that were visible during the congressional debates over family leave. That is, questions concerning the length of leave (12 weeks), during what time span (one year), the recognition of part-time work (25 hours per week), and notification requirements (30 days) prior to taking leave all had to be resolved prior to passing the Act. However, between August, 1995 and March, 1996 four cases emerged in the U.S. District Courts that concerned the interpretation of the law's provisions related to time. All four cases were filed by females; three of the four decisions favored the employer.

In Fry v. First Fidelity Bancorporation, the one ruling that favored the employee, Lisa Fry claimed that Fidelity had not informed her how it calculates time for the family leave period and that the company's handbook on the FMLA was misleading. The court agreed with Ms. Fry, stating that the employer must inform the employee of possible termination of employment if a leave period exceeds 12 weeks. Fidelity failed to do so.

In Robbins v. Bureau of National Affairs, the court ruled that the employer (BNA) did not have to grant maternity leave to an employee because she had just returned six months earlier from giving birth. Therefore, concluded the court, she had not accumulated enough hours to become eligible for leave under the FMLA. One is entitled to only 12 weeks during any 12 month period. Similarly, in Rich v. Delta Air Lines Inc., a flight attendant who had not worked 1,250 hours in a 12-month period was not eligible under the FMLA. Rich argued unsuccessfully that Delta did not include time consumed by deplaning, briefing sessions, and company workshops. And, in Haggard v. Farmers Insurance Exchange, a U.S. District Court ruled that an employer may accrue vacation time before sick time toward FMLA leave, costing an employee (Haggard) four weeks of vacation.

Issue # 4 - Defining Employer

Four cases concerned questions related to how employers are defined. That is, may a supervisor be held personally liable for violations of the FMLA? No, based on Frizzell v. Southwest Motor Freight Inc. But this decision contradicted the ruling in Freemon v. Foley in which the court concluded that the FMLA defined employer status as "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer." One year later a district court ruled in Johnson v. A.P. Products Ltd. that a human resources manager did not have the power to be defined as an employer under the FMLA. And, in Rhoads v. Federal Deposit Insurance Corp., a bank in receivership does not negate FMLA obligations of the holding company - in this case, FDIC.

Issue # 5 - Seriousness of Illness of Family Member

One of the driving forces behind the passage of the Family and Medical Leave Act was the belief that employees are frequently called upon to assist family members who are experiencing health problems. Surprisingly, relatively few court cases have surfaced in this area. As presented in Table 2, only three court rulings have been made, with the employer successful in two of those cases.

In Seidle v. Provident Mutual Life Insurance Co., it was ruled that a child's ear infection was not serious enough for a parent, in this case a mother, to request and receive FMLA leave. In Cianci v. Pettibone, the court ruled that because a daughter never proved the seriousness of her mother's health condition, the company was correct in denying her leave to visit her ill mother in Italy. Similarly, a father who failed to prove the seriousness of his son's illness was also denied leave (Murphy v. Cadillac Rubber & Plastics Inc).

Issue # 6 - Sufficient Notification

The Family and Medical Leave Act makes it quite clear that an employee must give his or her employer 30 days notice prior to taking leave. As indicated in Table 2, this issue has been brought to the courts at least three times, with the employer winning two of the cases. In Brannon v. Oshkosh B'Gosh Inc. the court ruled that Penny Brannon could not be terminated for "excessive absenteeism" because she not only provided a doctor's certification for her illness but she also gave her employer proper notice. In two other cases, however, employees were legally terminated by their employers because they failed to provide proper notice prior to taking their leaves. Refer to Johnson v. Primerica and Kaylor v. Fannin Regional Hospital Inc. for more details.

Issue # 7 - The FMLA and Labor Contracts

An interesting question which has arisen so far on a relatively small scale (only three cases) concerns the coexistence of the FMLA with various collective bargaining agreements that may run counter to the law's intent. For example, can employees file claims under the FMLA if their company requires that all employee disputes must first be taken to arbitration? No, because in Hoffman v. Aaron Kamhi Inc. the company failed to notify Hoffman that under the arbitration clause he was waiving his right to go to court. This ruling was contradicted nearly eight months later in Satarino v. A.G. Edwards & Sons Inc. in which the court ruled that FMLA claims are subject to compulsory arbitration if mandated by a collective bargaining agreement. However, a Wisconsin appeals court ruled that Miller Brewing Company could not restrict the substitution of paid leave for unpaid family leave under an existing collective bargaining agreement. Refer to Miller Brewing Co. v. Department of Industry, Labor, and Human Relations, Equal Rights Division.

The Remaining Issues - Issues #8 through #10

The remaining issues, as identified in Table 1, include employees' use of the FMLA as a "shield" or "protector" that the employer may view as a cover for incompetence, the problem of employers not providing accurate or adequate information about the FMLA to their employees, and broader concerns related to general questions of eligibility that are usually raised by employees.

With respect to the FMLA being used as a shield, in McCown v. UOP Inc. a U.S. District Court concluded that "the FMLA is not a shield to protect employees from legitimate action by their employers if their performance is lacking in some manner unrelated to their FMLA leave." This was in response to the firing of an employee because of excessive tardiness and unexcused absences from work.

Concerning the issue of adequate and accurate information being provided by employers, two cases were filed and the employer and employee each won one. In McKiernan v. Smith-Edwards-Dunlap Co. it was determined that it is the employer's responsibility to inform employees about the method for calculating leave taken during a twelve-month period. In Schle[illegible] v. Avco Financial Services, however, the court ruled that the employer was not responsible for informing the employee that she was ineligible for leave under the FMLA.

In the two cases concerning eligibility for taking leave, the employer was victorious both times and, more important perhaps, it appears that the burden for establishing FMLA eligibility falls on the shoulders of the employee, not the employer. In Spurlock v. Nynex, for example, it was concluded that the plaintiff (Spurlock) was responsible for proving he was eligible for leave and Nynex was covered by the law. A related case, Wolke v. Dreadnought Marine Inc., produced a similar ruling.

DISCUSSION AND IMPLICATIONS

It is clear from the findings presented here that the implementation of the FMLA has been, and will most likely continue to be, a very dynamic and politically-charged process. The cases ruled upon so far are reflective of many of the issues that were raised during the congressional debates and the formulation of the law. Two issues in particular have consumed nearly 50% of all court cases filed so far: job security questions and determining the seriousness of employees' illnesses.

With respect to job security, employees appear not to be immune from corporate downsizing or restructuring, and there is no guarantee that the return to one's previous job will be long term.

Employers prevailed in nine of 11 cases under this category. Policy makers and researchers need to converge on this topic more aggressively in order to uphold the original intent of the FMLA and prevent companies from circumventing the law. Related to this area, more research needs to be done on the use of collective bargaining agreements to bypass the law (see issue # 7).

An equally troubling issue for both employees and employers concerns the measurement of the seriousness of employees' illnesses. Here again the employers won a large majority of the cases (7 out of 11). Unless another means can be employed for defining serious illnesses, much energy and money will be spent in court rooms creating in slow motion the FMLA's version of DRGs. Diagnostic Related Groups are used by health professionals to define and reimburse specific illnesses under Medicare.

These two issues identified here, along with several other trouble zones, such as calculating time, employees giving notice, and employers providing adequate information to their employees about the FMLA, will need to be addressed if the Family and Medical Leave Act is to be expanded on a small scale - such as President Clinton's proposal to add additional hours so parents may visit schools etc. - or on a much larger scale: paid family leave. For clearly, most of the issues identified in this study will be magnified tremendously and become even more politically-charged if the debate shifts to the issue of wage replacement. It is recommended, therefore, that many of the questions raised here be answered prior to venturing into a terrain where the stakes will be much higher. After all, if unpaid leave generates so many legal queries within a relatively short time frame, where will paid leave take us?

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PUBLIC CHILD CARE, PARENTAL LEAVE, AND EMPLOYMENT: A CROSS-NATIONAL STUDY

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Welfare state scholars have paid considerable attention to the role of the state in protecting the interests of citizens, as workers, from the demands of private markets. The role of the state in mediating the demands of family and caregiving responsibilities has received less scrutiny. Family policies have typically been analyzed as residual social welfare functions, only tangentially related to the central tension between the individual and the market. A dramatic, four-decade long increase in women's employment in industrialized economies challenges this treatment of the interdependencies among the family, the state, and the market. Government policies relating to the care and education of young children are emerging as a central concern not only for studies of child and family outcomes but for those addressing women's economic progress as well.[1]

Between 1960 and 1990, women's participation in the labour force increased in every OECD country, more than doubling in some (OECD 1992). Employment has increased particularly rapidly among women with children. This increase has expanded opportunities for social, economic, and political participation for many women. It has also created new challenges, especially for mothers who balance the demands of employment with caregiving for young children. The tension between family and workplace responsibilities has elevated the importance of many government policies that provide for the care of dependent children. All of the industrialized countries provide a package of family policies that includes some form of parental leave, publicly-subsidized child care, and public education. Although adopted in response to a variety of social welfare and demographic concerns, these government policies have the effect of supporting parental employment by reducing conflicts between market and family responsibilities. Since the majority of caregiving work falls to women, these policies have particularly important implications for the employment of mothers.

Family policies have been described by a number of welfare state scholars, but few mainstream researchers have considered their place in the nexus of the state, family, and market. Most comparative analyses locate social welfare entitlements in citizenship rights achieved through participation in market work and formal political processes. As O'Connor (1996) argues, this approach is based on a conception of social citizenship linked to the individual as an organized worker with entitlement rights. As such, it fails to recognize women's more complex and multi-statused experience of the welfare state. In addition to, and often to the exclusion of, their participation in market activities, women continue to be the primary providers of unpaid caring and domestic work in the home. As a result of this multiplicity of roles, women are far more likely than men to encounter the welfare state both as needs-bearing clients and as rights-bearing citizens and consumers (O'Connor 1996; Orloff 1993).

Gender-centered analyses of the welfare state have begun to recognize these complexities. These analyses extend comparative scholarship by incorporating a wider array of outcome measures (e.g., the gender bias in participation in paid and unpaid labour), and studying a more diverse set of government policies associated with these outcomes (e.g., government assistance in caring for dependent family members) to analyze patterns of mutual interdependence among the state, market and family. These analyses recognize the 'layering of dependency relations' between primarily unpaid caregivers and dependents, between caregivers and paid labour force participants, and between paid labour and caregiving in the home (O'Connor 1996).

Because they reflect the interdependence of market and family work, patterns of maternal employment — and the government policies that influence them — are central issues in gendered welfare state analyses. Equality in access to employment is viewed by many as fundamental to women's achievement of full social citizenship because, as O'Connor describes, 'independence is the key to citizenship and in the democratic welfare state employment is the key to that independence' (1996: 78). Orloff extends this idea by considering women's ability to form and maintain autonomous households, that is 'to survive and support their children without having to marry to gain access to bread winners' income,' as an indicator of welfare state progress for women (1996: 72). Equal access to employment is essential to this autonomy.

To argue that equality in employment opportunities is essential is not to argue that it is a sufficient condition for gender equality in labor market participation. Women will be unable to participate equally with men in the public sphere until significant changes also occur in the gendered nature of caregiving work in the private sphere (Fraser 1994). Indeed, some feminist scholars point out that women have fared better in those welfare states that base entitlements on individual citizenship rights rather than labour force attachments (Sainsbury 1993).

While opportunity to participate in employment is not a sufficient condition, however, it is arguably a necessary condition for women's social citizenship. Government policies that promote these opportunities are correspondingly important indicators of the extent to which welfare states are 'woman-friendly' in promoting equality in employment opportunities between those who do and do not assume caregiving work (Fraser 1994; Hernes 1987; O'Connor 1996; Lister 1990) and in supporting alternatives to the 'male breadwinner-female caregiver' model of social and economic relations (Orloff 1996).

STUDYING THE ROLE OF GOVERNMENT IN SUPPORTING MATERNAL EMPLOYMENT

A large comparative literature has examined cross-national differences in welfare state structures, expenditures, and economic and labor market outcomes. Comparative scholars have given relatively little attention, however, to cross-national variation in government policies that facilitate maternal employment — or to the implications of this variation for the level of gender equality achieved in the advanced industrialized countries.

The paucity of attention to policies affecting maternal employment reflects, in part, the class-based analyses that have dominated recent welfare state scholarship. Prominent among these studies is Esping-Andersen's (1990) theory of welfare state regimes. His empirically-based model identifies three variants of the capitalist welfare state: the *social democratic* (primarily the Nordic countries), the *conservative-corporatist* (dominated by the European continental countries) and the *liberal* (primarily the English-speaking countries). Each regime type has a characteristic configuration of social policies that differ in the extent to which they decommodify workers by providing alternatives to dependence on private markets. Each regime types is also seen to have a distinctive pattern of socio-economic and labour market outcomes.

The class-based framework in the work of Esping-Andersen and other mainstream scholars overlooks potentially important differences in the implications of government policies for the employment decisions of men and women. In particular, the focus on de-commodification as a central measure of welfare state development assumes a level of labor market integration that has yet to be achieved by women in many highly industrialized countries. A small body of empirical work has recently focused on government policies that have particular relevance to women's employment. These scholars have found substantial variation within country clusters proposed by Esping-Andersen in the areas of public child care and parental leave (Leira 1992; Gornick, 1994). Their findings suggest that, if the focus is shifted from the de-commodification of workers to the integration of women, the performance of advanced welfare states might be judged quite differently.

In the present study, we address the question of whether a subset of public family policies have influenced women's participation in paid employment in the Western industrialized nations, and how these policies and associated employment patterns have varied across countries. We do so by capitalizing on large variations observed in the late 1980s in government policy and in women's employment across fourteen countries at similar levels of economic development.

Although maternal employment has increased in all industrialized countries, both the rates and the patterns of employment continue to vary markedly across countries at similar levels of economic development. In the late 1980s, for example, only 25 percent of mothers in the Netherlands were employed, while 89 percent of Finnish mothers were working for pay (authors' calculations, the LIS micro-data). Cross-national variation was also dramatic in mothers' patterns of full-time and part-time employment and in their employment continuity (Gornick and Jacobs 1996; Gornick, Meyers, and Ross 1998; Gustafsson and Stafford 1995; OECD 1994; Rosenfeld and Birkelund 1995).[2] Variations in the *pattern* of maternal employment are particularly important indicators of the interdependence of paid and unpaid work. Many women respond to the competing demands of employment and childrearing by engaging in intermittent employment or reduced-hour and contingent work. Although these employment choices may help women accommodate multiple role demands in the short term, they may also reduce their employment opportunities and wages in both the short and long term (Callaghan and Hartmann 1991; Dex 1992; Gornick and Jacobs 1996; Rosenfeld 1993). Government policies that provide alternative care for children are an important factor in women's capacity to manage the tension between workplace and caregiving responsibilities, and the characteristics and generosity of these policies also varied dramatically across industrialized countries during this same period (Hofferth and Deich 1994; Gustafsson and Stafford 1995; Kamerman 1991; Kamerman and Kahn 1991). While most industrialized countries (with the exception of the U.S. and Australia) provided paid maternity leave, for example, the weeks of coverage varied from as few as 12 to as many as 52. In some Nordic countries, from one-third to nearly one-half of children under age three had access to public child care; in the U.S. and Australia, fewer than five percent of infants were in public child care (Gornick, Meyers and Ross 1997).

These cross-national variations provide a 'natural experiment' for exploring interdependencies at the nexus of the state, family, and markets. A number of single-country studies have linked child care and maternity leave to women's employment decisions. There is also a rich cross-national literature that describe variation in family policies and in women's labour market outcomes. Comparative scholars have yet to use cross-national data, however, to fully specify and test the association between the two. A handful of recent studies have explored this terrain (Bradshaw et al. 1996; Gornick, Meyers, and Ross 1998; Gustafsson and Stafford 1995; Schmidt 1993; Ruhm and Teague 1995; Whitehouse 1992). Progress has been limited, however, by the lack of a model that specifies the association between country-specific family policy 'packages' and patterns of maternal employment. Even more importantly, researchers have been limited by the lack of comparable cross-national data.

This analysis begins to fill this gap by examining the effect of public child care policy and public parental leave provisions on the employment patterns of married mothers in fourteen industrialized countries during the late 1980s. We make use of cross-national variation in policy and in maternal employment patterns to answer three questions. First, how did the advanced industrialized democracies vary in the generosity of child care and maternity leave policies and in patterns of maternal employment? Second, to what extent were variations in policy associated with variations in women's employment patterns? Third, how do the results of a gender-sensitive analysis of welfare state performance correspond to class-based analyses, particularly the three welfare state regimes proposed by Epsing-Andersen?

By developing comparable measures of policy effort and employment outcomes across several countries, this analysis moves beyond single-country studies to identify cross-national commonalities and dissimilarities in the ways countries 'package' support for women who engage in both market work with unpaid caregiving work. The policy indicators provide a yardstick for comparing the extent to which states compensate mothers for their assumption of caregiving responsibilities; the employment indicators provide a yardstick for comparing how mothers with young children fare, relative to other women, on employment outcomes. Using these indicators, we capitalize on naturally-occurring variation at the country level to analyze the association between policy inputs and economic outcomes. This design isolates the contribution of government policy by comparing employment outcomes *within* countries between otherwise similar women with and without young children, thereby controlling for individual and country-specific factors, and then analyzing the association between policy and employment outcomes *across* countries at similar levels of industrial and economic development, to hold constant additional macro-economic and political factors.

THE LINK BETWEEN FAMILY POLICY AND MOTHERS' EMPLOYMENT

The underlying hypothesis of the analysis, that child care and maternity leave policies facilitate continuity in maternal employment, is supported by substantial economic theory and research.[3] The standard labour supply model predicts that having children in the home will influence women's employment decisions by changing the value that they place on their time outside of paid work. The cost of alternative child care arrangements will also lower women's effective market wages. The empirical literature confirms that women who care for a greater number of children and those who care for more dependent (e.g. younger, disabled) children have a lower probability of being employed than similar women with fewer caregiving responsibilities; for mothers who are employed, greater childrearing responsibilities reduce hours in paid work (Connelly 1991; Leibowitz, Klerman and Waite 1992; Joshi 1992).

Economic theory also suggests two approaches to understanding the effects of child care on women's employment. The first depicts child care arrangement as affecting the value that a woman places on her time at home, with better child care alternatives reducing the attractiveness of full time caregiving work in the home (Blau and Ferber 1992). In the second approach, the cost of child care is viewed as a 'tax' on mothers' wages. An increase in the cost of child care would have the same effect as lowering wages — decreasing both the likelihood of employment and hours of paid work (Connelly 1992; Michalopoulos, Robins and Garfinkel 1992). Both approaches predict that improvements in women's child care options will be associated with increases in employment, and this prediction is supported by a large body of empirical research (Blau and Robins 1988; Connelly 1991, 1992; Leibowitz, Klerman and Waite 1992; Michalopoulos, Robins and Garfinkel 1992).

The relationship between maternal employment and parental leave policies is understood differently by economists. Generous maternity leave provisions are generally believed to increase women's attachment to paid work in the short term. In addition to offering income support, many maternity policies are explicitly designed to prevent women from exiting employment following childbirth (Trzcinski 1991). In the longer term, there is more ambiguity about whether extended absences from the workplace will advantage or disadvantage women in the accumulation of experience and human capital. A small empirical literature has examined the impact of maternity leave in the short term. Joesch (1995) and O'Connell (1990) report that the availability of leave increases mothers' attachment to paid work, in particular, the likelihood of an early return to work after first childbirth. In the U.S., Klerman and Leibowitz (1995) find only weak evidence of a relationship between state maternity leave statutes and employment, but Waldfogel (1995) reports an increase in leave taking and a small positive effect on employment after the passage of the U.S. Family and Medical Leave Act. Macran, Dex and Joshi (1996) find evidence in Britain that family leave coverage increases the likelihood that a woman will return to her employer after childbirth; Waldfogel, Higuchi and Abe (1998) report similar evidence in a three country study of Japan, the U.S. and Britain. These studies suggest that short-term leaves are likely to increase the employment of women following childbirth; more research is needed to establish the impact of longer leaves on lifetime patterns of employment and earnings.

DATA

Data for the analysis were obtained from the Luxembourg Income Study (LIS). LIS is an archive of datasets gathered from a large number of industrialized countries. Microdatasets available for each country contain demographic, labour market, and detailed income data at the household and individual level. Estimates of mothers' employment outcomes are derived using household-level data from the period of 1985 to 1987 from fourteen countries: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Luxembourg, Netherlands, Norway, Sweden, the United Kingdom, and the United States.[4] LIS also provides a policy database that contains country-level information on major income tax and cash transfer programs. Measures of child care and parental leave policy for the late 1980s were recently added by the authors to the country-level policy database.[5]

APPROACH

The analysis proceeds in three steps. We begin by using the country-level policy indicators to develop composite indices of the generosity of government policies by country. First we disaggregate the larger complex of national policies to identify the subset of family policies that are expected to influence maternal employment. Separate policy indicators are then aggregated into two indices that measure country-specific 'packages' of employment-supporting policies. The first index combines eight indicators of policies affecting mothers with children under age three ('infants'): the coverage, length, and generosity of short-term parental leaves, tax relief for private child care expenses, the existence of a legal entitlement to public child care, and the availability of public child care (enrollments in public or publicly-subsidized care). The second index combines four indicators of government policies affecting mothers with children from age three until school enrollment ('preschoolers'): tax relief for private child care expenses, a legal entitlement to public child care, the supply of public child care (enrollment of children between age three and five) and the impact of the age of universal public school (enrollment of children aged five in public child care, preprimary or primary school).[6] Rankings are provided to facilitate cross-national comparisons, but it is important to note that numeric scores are note directly comparable across indices.

The second component of the analysis uses a multiple regression analysis to examine country-specific patterns of interruptions in women's employment associated with child caregiving, by using household-level data from LIS to compare employment among mothers with young children to the employment of otherwise similar mothers in the same country whose children are all older. A measure of this difference, termed the 'child penalty', captures the country-specific decrease in the employment rate of married mothers that is associated specifically with having children under age six in the home. (See the Methods Appendix for details.) The use of this measure of employment continuity, in place of the more conventional maternal employment rate, strengthens our analysis by focusing on an outcome that is closely related to women's roles as primary caregivers for children. The use of the child penalty also helps to isolate the impact of government policy on women's employment outcomes. Because maternal employment varies cross-nationally for a number of demographic, economic, and cultural reasons, it is difficult to disaggregate the reasons for cross-national variation in employment *rates*. The cross-national differences in maternal employment *continuity* that are captured by the child penalty are likely to be more directly attributable to variation in national policy. The child penalty compares employment rates between mothers within the same country who differ only in terms of the presence of young children — i.e., between mothers who have similar demographic characteristics, face similar labour market conditions, experience similar social and cultural norms, and so on. The child penalty therefore controls for other, non-policy factors that influence cross-national employment variation.

To aid with the interpretation of the child penalties, we simulate the impact of having a young child in the home on the likelihood that a 'typical' or average mother in each country is employed. A hypothetical mother is created, with all characteristics set at or near the average for mothers in her country, and the regression results are used to calculate her likelihood of being employed. Our 'hypothetical mother' is a 35-year-old married mother with two children, both over age twelve; she completed her country's 'medium' level of education and her other household income is set at the average for married mothers in her country. After predicting the likelihood of employment for this mother, two alternative scenarios are simulated. In the first, a child under age three is 'added' to her family, and in the second, a child between the ages of three and five. New employment probabilities are generated corresponding to the 'addition' of each child (with other characteristics, including family size, held constant).

Finally, we examine the association between government policies (using the employment-supporting policy indices) and maternal employment continuity (using the child penalty measures). Our central hypothesis relates directly to the interdependence of family responsibilities, market opportunities, and state policies: we predict that cross-national variation in the package of public child care and maternity leave policies will explain a large part of the inter-country variation in the child penalty, i.e., the probability that women reduce their employment when family responsibilities are high. This provides an empirical assessment of the extent to which 'woman-friendly' policies that compensate for caregiving burdens are associated with more equality in employment outcomes between women with and without young children. This has obvious implications for equality of opportunity among women with different levels of caregiving responsibility. Because women continue to provide the majority of care for dependent children, these results have additional implications for equality and equity between women and men.

CROSS-NATIONAL POLICY VARIATION

As of the middle to late 1980s, the generosity of public maternity leave provisions and public child care varied dramatically across the fourteen countries in this analysis. Nearly all of the fourteen countries in this analysis had near-universal provisions for job protection and wage replacement in the months following childbirth (Table 1). The U.S. and Australia were the most prominent exceptions. The U.S.

had no national law providing job protection or wage replacement at the time of childbirth; in Australia, federal law guaranteed up to twelve months of job protection but provided no wage replacement.[7] The U.K. also lagged, primarily because eligibility restrictions (e.g., on minimum earnings and job tenure) were such that only approximately 60 percent of employed women had access to both job protection and wage replacement.

In the other countries, all or nearly all employed women were covered by national job protection and wage replacement benefits. The length of protection and adequacy of wage replacement varied substantially. On the high end, universal systems in three Nordic countries (Sweden, Finland and Norway) provided full or nearly full wage replacement for six months to one year. In about half of the countries, paternal involvement in early child care was facilitated by the extension of some form of paid or unpaid leave to fathers.

All fourteen countries made some public investments in child care, but both the form and intensity of support varied markedly (Table 2). Reasonably comparable data on direct child care expenditures were available for only six countries. At the high end, Sweden spent $1,885, in 1987 U.S. dollars, per year per child under fifteen and Finland spent $1,212. At the low end, the U.S. and Canada each invested less than $50 per child. Data were available for all countries on indirect tax expenditures that are aimed at offsetting the cost of private household expenditures on child care. Tax relief was provided in eight countries. The generosity of these provisions varied from a high of $1,118 in Belgium to a low of $198 annually for one child in Finland (in 1987 U.S. dollars).

By the late 1980s, only Denmark, Finland, and Sweden had adopted legislation that established child care as a right for all (or nearly all) children under the age of six. France guaranteed child care to all children aged two to five; Belgium had extended the promise of universal coverage to younger children (birth to age two) but not to older preschool children.[8] National child care guarantees signal intent; they do not guarantee availability. In the actual provision of child care for infants, Denmark was the clear leader with 48 percent of children under age three in publicly-supported care. Four additional countries (Belgium, Finland, France and Sweden) also had relatively high rates of public provision, with 20 to 32 percent of children under age three in care. Provision for children under age three fell substantially in the remaining countries, with twelve percent of children in Norway and fewer than five percent of children in the remaining countries enrolled in public or publicly-funded care.

Public child care provisions were more highly developed for preschool children in all fourteen countries. In four (Belgium, Denmark, France and Italy), over 85 percent of children were in public day care or preschools. At the other end of the spectrum, Australia, Canada, Norway and the U.K. enrolled only 25 to 40 percent of preschool children; the U.S. lagged even further behind with only 14 percent of preschoolers in publicly supported care. Levels of public child care arrangements for children began to converge as compulsory school enrollment provided care for older children. When child care and school enrollments are combined for five year-old children, virtually all countries made public provisions for 80 to 100 percent of children. Here, only Norway (50 percent) and Finland (59 percent) stand out for their lack of provisions.

EMPLOYMENT-SUPPORTING POLICY INDICES

Multiple indicators of family policy paint a complex cross-national picture. It is difficult, however, to reach general conclusions about government support. The composite indices in Figure 1 compare relative country performance on the 'package' of policies available to women with young children. (Numeric scores for the Indices are provided in Table 3). They serve as yardsticks for comparing the extent to which countries equalized employment opportunities between individuals with and without child caregiving responsibilities, by providing mothers with alternatives to quitting their jobs (through maternity leaves), and to providing full-time child care themselves (through public child care).

Five countries form a cluster of high performers: three Nordic countries (Finland, Denmark and Sweden) and two continental European countries (Belgium and France). These countries generally provided universal provisions for maternity leave with full, or nearly full, wage replacement, lasting for several months up to a year. In addition, space was available in publicly-supported child care for a third to a half of all infants and nearly all preschool-aged children.

Three English-speaking countries (Australia, the U.K. and the U.S.) form a cluster of low policy performers vis-à-vis families with children in either age group. These countries provided limited or no paid leave. None had adopted policies to guarantee access to child care and levels of public care were correspondingly low. In the U.S., only 25 percent of women had access to any publicly-supported leave (through state-mandated private disability insurance); only one percent of infants and fourteen percent of preschoolers were in publicly-supported child care.

The contrast between the low and high performers is sharp. The remaining countries — a mixture of Nordic (Norway), continental European (Germany, Luxembourg, and the Netherlands) and English-speaking (Canada) — form a cluster of moderate performers. These countries were characterized by moderate to very generous maternity leave provisions but limited child care provisions for both infants and preschool-aged children.[9]

For most countries, movement in ranking is modest between the indices corresponding to the two age groups. High-performing countries on policies aimed at families with infants were generally high performers with respect to policies aimed at preschoolers. There is, however, considerable re-ranking within the clusters. France, for example, is among the high performers on both indices, but its relatively higher performance on policies for mothers with preschoolers reflects the strong French commitment to enroll children in *l'écoles maternelle* beginning at age three. Finland represents nearly the opposite case, shifting from the most generous in support of mothers with infants to a position of relatively poorer performance in provisions for preschoolers. This reflects Finnish family policy during the period that emphasized both home care allowances and a child care entitlement for families with infants. Although there was more public child care for preschoolers, in absolute terms, it fell considerably short of demand.

More dramatic change is observed in the relative performance for two countries — Norway and Italy — suggesting more serious discontinuities in policy. Norway's relative performance declines markedly from the moderate tier on policies for infants to the lowest tier in provisions for preschoolers. During the late 1980s, Norway provided extensive and generous maternity leaves for employed women, but those leave benefits were coupled with low levels of public child care for the under-threes and relatively modest investments in child care for preschoolers. The problem was exacerbated for Norwegian mothers by the fact that compulsory school did not start until children were age 7 — one to two years later than most other countries (Gornick, Meyers & Ross, 1997). Although mothers had generous support in the months after childbirth, public support was limited once maternity leaves were exhausted. Italian family policy represented yet another combination. Italy provided generous maternity policies and widespread preschool coverage for children over age three; there were significant gaps, however, in public child care for infants and toddlers. During the period between the end of maternity benefits and the beginning of public preschool at age three, Italian mothers faced significant barriers to employment.

CROSS-NATIONAL VARIATION IN EMPLOYMENT PATTERNS

Variation was equally pronounced in employment outcomes across the fourteen countries.[10] (Table 4). Employment rates of mothers varied from a low of 25 percent in the Netherlands to a high of 89 percent in Finland. Moderate rates are seen in most English-speaking countries.

The effects of caregiving for young children on employment continuity, measured as the country-specific child penalty, also varied markedly. Significant negative child penalties are seen in one-half of the countries: Australia, Canada, Germany, the Netherlands, Norway, the U.K. and U.S. Penalties for women with infants were consistently larger than those for women with preschool-aged children. In the remaining seven countries, mothers of young children were not significantly less likely to be employed than were similar mothers whose children are all twelve years old or older. Italy alone produced a surprising and inexplicable result: significantly positive coefficients on both young children variables.[11]

The largest child penalties are found in the U.K., where the presence of an infant decreased the hypothetical mother's likelihood of employment from 82 to 37 percent, a 45 percentage point decrease; the presence of a preschooler diminished her employment probability from 82 to 51 percent. In the U.S., the probability of employment also declined sharply for women with infants (22 percentage points) and preschoolers (15 percentage points).

There was surprisingly little relationship between overall maternal employment rates and the presence or magnitude of the child penalties. Child penalties are observed both in relatively low employment countries and in moderately high employment countries. While none of the three highest employment countries had child penalties, some of the low employment countries also had no child penalties.[12] This suggests that the level and the continuity of maternal employment are distinct and only weakly correlated phenomena.

POLICY VARIATION AND ECONOMIC OUTCOMES

The final stage of analysis links the measure of breaks in employment with the subset of family policies that are predicted to facilitate continuous maternal employment. Figures 2 and 3 display the relationship between the magnitude of the child penalty and the generosity of employment-supporting policies in each country. Vertical bars represent the estimated range for the child penalty measures; countries with a greater negative value indicate higher penalties or employment reductions among mothers with young children and those that cross zero indicate that no statistically significant child penalty is observed.[13] The upward sloping lines represent the estimated associations between the child penalties and the packages of employment-supporting policies; the upward slopes indicate positive relationships in which more generous policy packages are associated with lower child penalties (i.e., smaller differences in the employment rates for mothers with young children and otherwise similar mothers whose children are all older.)[14]

Child penalties are seen to cluster along the sloping line in each figure. This demonstrates a strong positive association, across countries, between these public policies and mothers' attachment to employment. The statistical measure of association suggests that the first index of employment-supporting policy explains 36 percent of the variation in the employment reductions associated with having an infant; the second policy index explains 52 percent of the variation in penalties associated with having a preschooler in the home.[15]

The consistency and strength of the association between employment-supporting policies and women's employment continuity suggests that these government policies may have influenced women's employment decisions. While this conclusion is consistent with the data, our use of cross-sectional data makes it difficult to interpret the results unambiguously. Several alternative explanations for the association are also possible. Most obviously, it is possible that the social, cultural, and economic factors that influenced women's decisions to go to work outside the home may have influenced the adoption of child care and leave policies in their countries. In several Nordic countries, for example, cultural norms of gender equality may have contributed to both generous policy packages and continuous female employment. It is also possible that in countries where mothers of young children tend to choose employment, there may have been consumer demand and political pressure to increase the availability of such policies; in countries where most mothers choose to stay home when children are young, there may have been little demand for this form of assistance.

Although it is not possible to fully rule out these competing explanations, the case that policy influenced employment choices, especially in the short-term, is strong. As noted earlier, economic theory and research have shown that women's short-term employment decisions are sensitive to public child care and leave policies. Most of this research has been based on single-country studies that lack variation in both policy and employment outcomes. This analysis, by finding a strong association between cross-national variation in employment-supporting policies and the continuity of maternal employment, confirms and extends findings from these earlier single-country studies. It is particularly striking that this association is consistent even for the countries, such as Norway, that diverge from the 'cluster' of countries that welfare scholars characterize as having similar labour market conditions, social norms and welfare structures.

The conclusion that policy influences employment decisions is also strengthened by the design of the measures for this analysis. The employment-supporting policy indices improve on earlier studies by capturing the interactions and additive effects of policies, and by disaggregating the effects for mothers who face substantially different caregiving demands due to the age of their children. The child penalty provides a measure of the effect on employment of caring for young children that controls, first, for individual and household characteristics and, second, for cross-national differences in labour market and other factors — such as social norms about gender roles — that are likely to influence levels of maternal employment.

CONCLUSIONS

Although the industrialized countries in this analysis had achieved similar levels of economic development by the late 1980s, their progress in adopting policies that supported women's employment opportunities was remarkably varied. A handful of countries C most of the Nordic countries along with France and Belgium C had developed extensive provisions that helped women with young children to manage their dual responsibilities to family and workplace. In these countries, women had access to job protections and generous wage replacements at the time of childbirth, and to public child care as their children aged. In many, some form of leave was also available to fathers.

A second tier of countries, including the remaining continental countries along with Canada and Norway, provided more limited support for those with caregiving responsibilities. These countries were characterized by generous maternity leaves but much less extensive child care for either infants or preschoolers. The laggards in the provision of employment-supporting family policy were the English-speaking countries of the U.S., the U.K. and Australia. These countries provided little or no maternity leave and only extremely limited public child care assistance through either direct subsidies or tax credits.

The consequences of these policies for women is suggested by the cross-national variation in child penalties for mothers with children under age six. In the countries with the most generous policies, mothers with young children were no less likely to be employed than were mothers with only older children. In the countries with middle-to-low levels of provision, women with young children had employment rates that were significantly lower than otherwise similar mothers without young children in the home. It is particularly noteworthy that moderate to high employment reductions were observed in a 'middle tier' of countries that combined generous maternity leaves with limited child care. This suggests that these policies are not perfect substitutes in their impact on women's employment decisions. Maternity leave is consistent with both continued attachment to employment and with a period of full-time caregiving in the home; child care, on the other hand, is an essential support for women's participation in paid work. Those countries that have made generous commitments to both types of policy come closest to a 'universal breadwinner' model in which government policies equalize employment opportunities between adults who do and do not have child caregiving responsibilities. Countries that have made a partial commitment, providing generous maternity leave but lacking extensive public child care, represent a more ambiguous compromise between the universal breadwinner and traditional male-breadwinner models.

The findings from this analysis challenge mainstream research on welfare state regime types. In particular, both policy and employment outcomes correspond only partially to Esping-Andersen's (1990) class-based regime model. In discussing women's employment, Esping-Andersen argues that each welfare state regime type is associated with a distinct trajectory. High levels of female employment are observed in the social democratic countries, in which he suggests both supply and demand are driven by the large public sector with its extensive service provision. Moderate levels of female employment are observed in the liberal countries, driven largely by the demands of private markets and the weakness of social insurance provisions. The lowest levels are observed in the conservative countries, which he attributes to the historic marginalization of female workers and the existence of policies that encourage mothers to remain in the home.

The configuration of government policies described in this analysis partially confirm and partially challenge the coherence of these regime types. In the provision of employment-supporting family policies, several countries are seen to diverge from the clusters predicted by the class-based welfare state models. The *social democratic* regime type disaggregates as Norway diverges from the other Nordic countries in providing much less generous support for maternal employment, particularly in the areas of public child care and early school enrollments. The *conservative* countries reveal little commonality: France is among the most generous countries in its provision of maternity leaves and child care, whereas Germany is among the least generous. Among the *liberal* countries, Canada pulls away from the other English-speaking countries in providing more adequate maternity leave and somewhat better child care coverage.

Standard welfare state typologies are also challenged by the pattern of child penalties. The lack of child penalties in most of the Nordic countries is consistent with predictions that social-democratic countries support full employment for women; substantial penalties observed in Norway, however, suggest that these countries are more heterogeneous than predicted. In the conservative cluster, Germany and the Netherlands have the significant child penalties that would be predicted by their support for traditional family structures, but France, Belgium, and Italy have none. And while all of the countries in the liberal cluster have moderately high maternal employment rates, they also have significant child penalties C an outcome at odds with predictions that weak income supports necessarily propel women into the labour market.

The findings from this analysis vividly illustrate the consequences of welfare state policies for women's economic and social progress. The development of 'woman-friendly' policies has been uneven across the rich, industrialized countries, with consequences for women's full economic integration. Progress has been mixed even within the cluster of Nordic countries, which, when characterized by class-based analyses of the role of the state in decommodifying labour, have the most highly advanced welfare state policies.

Significant within-regime variations in policies and employment outcomes suggest that the traditional country clusters fail to cohere when issues of particular consequence for women are considered. This argues for new, more gender-sensitive measures of welfare state progress and generosity. It does not fully answer, however, the question of what combination of policies would be most 'woman-friendly' in supporting women's multiple responsibilities for caregiving and labour market work. This analysis has identified policies that facilitate employment among mothers with young children as one component of the 'woman friendly' welfare state. Equal opportunities for women to participate in market work, and to achieve parity with men, may be a critical first step toward full social citizenship for women. Employment also contributes to women's capacity to form and maintain autonomous households, thereby lessening dependence on men. But as Fraser (1994) has argued, policies that increase labour market opportunities for women, without affecting the gender bias in responsibility for unpaid work in the home, will yield, at best, a partial form of gender equality. In the longer-term, the contribution of employment-supporting policies to the achievement of full economic and social participation for women will depend on the extent to which they influence the organization of both paid work in the market and unpaid caregiving work in the home. A 'woman-friendly' welfare state may well be one that is 'parent-friendly' in supporting the efforts of both men and women to combine caregiving and waged work without undue C and gender-biased C sacrifices in either family or employment opportunities.

METHODS APPENDIX

Employment-Supporting Family Policy

Index Construction

To compare government policies across countries, eleven indicators of child care or maternity leave policy were combined into composite indices. Maternal employment is expected to respond to the form and intensity of several different policies that, functioning as complements and/or substitutes, constitute a distinctive employment-supporting policy package in each country. The implications of these policies differ for families with children of varying ages. In order to capture the interactions among multiple policies and disaggregate policy performance by the age of the child, we develop two indices. (See Gornick, Meyers, Ross 1996a for a more complete discussion of index construction).

Four criteria were used to select individual indicators for the composite indices. First, the indicator measured an aspect of policy reasonably assumed to be under government control, i.e., it constituted public policy. Second, it captured a policy feature that labour supply theory predicts has an effect on mothers' decisions about entering or remaining in paid work. Third, the indicator was exogenous or independent of individual mothers' short-term employment decisions. Fourth, reliable and comparable data were available for the fourteen countries.

Eleven policy indicators were used in the construction of the indices. Data for the separate policy indicators were standardized as proportions of variable-specific maximum values. The two age-specific indices were constructed as weighted sums of the standardized measures. (The weights are presented in the notes to Table 3). A second standardization converted index scores to a percentage of the theoretical maximum per index, so that scores range from zero to 100.

Employment outcomes

Our main measure of maternal employment outcomes is the child penalty. This is the regression-adjusted estimate of the effect of having young children on mothers' employment probability. Child penalties were estimated using a standard labour supply model (For more complete information on the estimation procedures, see Gornick, Meyers and Ross 1996b).

In order to estimate country-specific child penalties, standard reduced form logistic regression models were specified to predict a mother's employment probability. In these models, the explanatory variables of primary interest are two dummy variables that capture childrearing responsibilities: one indicates that the youngest child in the household was under age three and another indicates that the youngest was between the ages of three and five. Controls include: (1) the presence of a youngest child age six to twelve and the total number of children in the household under the age of eighteen; (2) human capital variables (mother's age and education) as a proxy for the market wage; and (3) total other income in the household (primarily husbands' earnings), as an indicator of economic need. Identically-specified employment equations were estimated for mothers, separately by country.

The analysis for each country was limited to married women, aged 15-64, with at least one child under age eighteen living at home. Mothers were coded as either 'employed' or 'not employed.' Mothers who were employed but on maternity leave were coded as employed; those who were unemployed as well as those not in the labour force were coded as 'not employed'.

There are several benefits associated with using the child penalty measure. First, by focusing on the difference in employment between mothers with and without young children, it isolates an employment outcome that may be specifically tied to childrearing responsibilities. Second, by using regression techniques to control for individual human capital and household characteristics, it allows cross-national comparisons of employment outcomes that are net of inter-country variation in demographic variables; the penalty captures within-country employment differences among women who differ only (or primarily) in the age of their youngest child. Finally, by first estimating the impact of having young children on employment outcomes for mothers within the same country and then comparing these estimates across countries, the child penalty captures cross-national variation in employment outcomes that is largely independent of inter-country differences in labour market conditions. In regression terms, both overall maternal employment rates and factors that affect those overall employment rates (such as demand-side factors) are captured in the constant term while the impact of childrearing responsibilities is captured in the regression coefficients.

Linking policy with employment behavior

The final step in the analysis assesses the central hypothesis that cross-national variation in policy will explain a substantial portion of the inter-country variation in the child penalties. Country-specific child penalties are regressed on the corresponding index of employment-support government policies, using weighted least squares (WLS) regression techniques. In these estimations, the child penalty coefficients are weighted by the inverse of their standard errors to take into account varying levels of precision in the child penalty estimates.

ENDNOTES

1. Still other issues arise in the case of private provision of employment supports, for example the extensive use of private family and private market child care arrangements in many countries and the provision of maternity leave through employer sponsored benefits in some. These private arrangements raise important issues about interdependencies among government, family and private markets, but are beyond the scope of this analysis.

2. Women's accommodations to home and workplace responsibilities are visible in their age-based employment profiles. While continuous labour force participation is the norm among men in all of the developed countries, limited and intermittent participation is more often the norm for women. These patterns vary, however, cross-nationally (OECD 1994). As of the late 1980s, for example, women's labour force participation in some developed countries — including Finland, France, and Sweden — resembled men's, rising and falling smoothly with age in an >inverted U-shaped' pattern. In other countries, women's labour force participation was characterized by the withdrawal by many women from waged work during their twenties, a pattern sharply different from that of their male counterparts. In the Netherlands and Germany, for example, women's participation rates were highest among those in their mid-twenties and fell steadily with age in a 'left-peak' pattern. In Australia and the U.K., their rates rose than fell (among women in their late twenties), and then rose again, in an 'M-shaped' pattern (OECD 1994).

3. Extending the basic micro-economic consumption model, mothers' labour supply is viewed as a consumption choice between market income (hours of paid work) and time spent outside of paid work (non-market time). A large body of empirical literature demonstrates the influence of personal, market, and policy factors on labour supply, both on participation and on hours worked (Berndt 1991; Killingsworth and Heckman 1986).

4. The years for which LIS micro-data are available for each country dictated the selection of the analysis period. See de Tombeur (1997) for information about LIS and for details on the individual datasets.

5. For more detailed information about data sources used for this study (Gornick, Meyers and Ross 1996a).

6. This analysis uses enrollments as a proxy for child care supply. Although this utilization measure is arguably responsive to female employment and demand for care, spaces in public programs at a point in time will depend on past government decisions rather than current demand and can therefore be considered exogenous to individual employment decisions. OECD (1990) also notes that enrollments are a reliable proxy for available spaces because utilization rates are approximately 100%.

7. Although the U.S. did not have national maternity leave provisions, some women had access to paid leave, typically for 6 weeks, through employer-provided disability insurance. After the passage of the Pregnancy Disability Act of 1978, companies that provided disability insurance were mandated by federal law to include pregnancy as a covered disability. Five states had passed additional laws mandating provision of Temporary Disability Insurance by most employers; these laws covered an estimated 25 percent of female workers. In Australia, women employed by the Federal government had access to 12 weeks of maternity leave; this is estimated to have benefitted 10 percent of female workers.

8. Two other countries had developed policy in this area, but with such weak provisions that no entitlement to employment-supporting child care can be inferred. Italy had extended its guarantee of child care down to children under three, but with a service target so low (5 percent) and so poorly funded as to be meaningless. Germany had an entitlement for preschool children, but the programs to which it applied — part-day, part-week preschool — were poorly attuned to the working schedules of employed parents.

9. In several of the countries, the supply of public child care further limited by providing part-day care. Notable examples include playgroups in the Netherlands and preschools in Germany. With schedules poorly matched to parents' working hours, these child care arrangement provided little support for women's participation in paid employment.

10. The names of the individual surveys, country-specific sample sizes, complete regression results, and sample means for all independent variables are available in Gornick, Meyers, Ross (1996b).

11. In Table 4 changes in employment probabilities are simulated only for countries in which the coefficients on the presence of young children are negative and statistically significant at the .05 level (i.e., there is at least a 95 percent probability that the penalty observed in the data is not due to chance). Only one country, Italy, was observed to have a statistically significant positive coefficient on the presence of young children. This would suggest that Italian mothers experience a 'child bonus' C i.e., that there is a higher probability of employment among mothers with children under age six in the home. This may reflect an interaction of fertility, employment, and policy factors in this country. Alternately, it may reflect data problems, particularly the reporting of informal work and child care arrangements, which are particularly common in Italy. Other countries have small positive or negative coefficients, but because they are not statistically significant, the impact of having a child under age six on maternal employment is assumed to be zero.

12. The weak association is confirmed by small correlation coefficients between maternal employment rates and child penalty magnitudes (.28 and .27, for infants and preschoolers, respectively).

13. Child penalties are presented with confidence intervals. The vertical bar for each country represents the range of possible values for the child penalty coefficient at the 95 percent confidence level. Negative values represent a penalty, a positive values would imply a child bonus. If the vertical bar for any country crosses zero, i.e., if the range of possible values for the child penalty includes zero, this implies that there is neither a child penalty nor child bonus in that country.

14. The fitted regression line is displayed in Figures 2 and 3, based on a weighted least squares (WLS) estimate. (See the Methods Appendix).

15. The measure of association is the R^2 for the WLS regression.

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IWPR NOTE

While every effort has been made by IWPR to ensure that papers have been included in their entirety, in some cases this was not possible. IWPR regrets the omission of any additional materials and suggests that readers contact the author directly.

A STUDY OF THE AVAILABILITY, USE, AND EFFECTS OF FAMILY ORIENTED WORKPLACE POLICIES AND BENEFITS IN ONE COMMUNITY

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ABSTRACT

A two-part exploratory study of employers and their employees in one community finds that large organizations in the public sector provide more work-family benefits than smaller or private sector businesses. Flexible work arrangements and leave time are most prevalent (offered by 75% to 92% of employers) while child care benefits are least prevalent (< 20% of employers). Though they are not frequent users of these benefits, most employees, regardless of gender, dependent care responsibilities, occupational status, or size or sector of employer, report that it is important to them that their employers offer work-family benefits. A high proportion of employees anticipate the usefulness of dependent care services while their employers perceive these services as not needed. Flexible work arrangements, workplace culture, work stress workshops, and job-share correlate with employee well-being. Use of study findings as baseline data for policy-makers, community leaders, and women's advocates is discussed.

INTRODUCTION AND LITERATURE REVIEW

The increasing complexity and changing nature of the workforce generate challenges to long-held assumptions about the separation between work and family life (Judy & D'Amico, 1997). The emerging work-family landscape is characterized by arrangements where males and females increasingly share, to a greater or lesser extent, financial and child care provider roles (Conway, Ahern, & Steuernagel, 1995). This landscape is further defined by a global economy that is based on an advancing communications technology and that emphasizes 'connections' both between nations and individuals and within our overall social institutions (Reich, 1992). In particular, the feminization of the workplace and the more recent welfare-to-work reforms create dilemmas, for both employers and employees, that span work and family domains. Thus, business leaders, policy-makers and family proponents are becoming more interested in workplace policies and practices aimed at reducing the separation and conflict between work and family. Furthermore, because women historically shoulder most of the family care giving responsibilities, workplace supports that acknowledge the interdependence of work and family can augment women's status in the workplace.

The current study was prompted by a local government initiative to promote worker/family-friendly environments in a mid-size southeastern city with a population of about 325,000 and an unemployment rate of less than 2% (Greater Lexington Chamber of Commerce, 1997). During a two-year period, 325 employer organizations, representing a wide range of businesses and organizations, were recruited by the project director to participate in the work-family initiative and to sign a letter of commitment to create a work environment that is worker and family-friendly. Subsequently, the organization received educational and awareness information on issues about working families. The project director and other community leaders wanted information to help them assess the long-term effectiveness of their work-family initiative and to plan for future project activities.

This paper presents the findings of a two-part exploratory study investigating the availability, use, and effects of family oriented workplace policies, benefits, and practices among a wide range of businesses and organizations. Unlike prior research that emanates from single studies of large, for-profit corporations (Galinsky, Friedman, & Hernandez, 1991), this study investigates the distribution of family oriented workplace policies across different size and sector businesses/organizations in one community and examines the impact of 'family-friendly' work environments on their employees. Before conducting the surveys, a Focus Group with employer representatives and one with employee representatives was held to obtain ideas on questionnaire design and sampling issues.

RESEARCH METHODOLOGY

Sample

Data was collected first from a sample of the businesses and organizations and secondly from a quota sample of individuals employed full-time in these businesses/organizations. First, a 18-page self-report survey instrument was mailed to the 325 businesses and organizations associated with the local family-friendly workplace initiative. The cover letter was addressed to the individual designated by the business/organization as their contact person with the initiative and requested that the survey be completed by a person knowledgeable about the employee benefits in that company. A reminder postcard and a second mailing were used to increase the response rate. The temptation for employers to respond in a socially desirable manner was reduced by informing the respondents that data would be presented in aggregate form only, that responses from individual organizations would not be identified, and that the organizations would not be publicly ranked by their responses. One-hundred, fourteen businesses and organizations returned the survey, of which 88, or 27% of the employers involved in the initiative, were usable for this report. Twenty-six surveys were not used because they had incomplete data or were from organizations staffed solely by volunteers or part-time staff. Thirteen (15%) of the participants in the employer sample are large businesses/ organizations (> 250 employees), employing a total of 26,634 full-time individuals in the area with an average of 1,818 full-time employees per organization; 17(19%) are mid-size businesses/ organizations (50 to 250 employees) who employ 2098 full-time individuals and who average 123 employees per organization; and most of the employer respondents (58 or 66%) are small businesses (<50 employees) whose workforce totals 768 full-time employees with 13 being the average number of employees per small business. Compared with the total population of businesses/ organizations in the community that consists of 8% large organizations, 5.8% medium size organizations, and 93% small organizations, our sample is skewed toward smaller organizations. Because larger organizations have been the forerunners in providing family-friendly benefits, it is not surprising that our sample has a greater portion of large organizations.

This community enjoys a robust economy and diverse employment opportunities. The services industry accounts for 26% of the jobs, making it the largest single employer in the area. The remaining employment opportunities are dispersed among wholesale/retail trade (23%), government (22%), and manufacturing (17%) (Greater Lexington Chamber of Commerce, 1997). Our employer sample approximates the population of employers in the community with thirty-two (32%) employers classifying themselves as social service organizations; 22% as wholesale or retail businesses; 5-10% each as religious organizations, businesses, or health care establishments; while less than 5% indicated transportation, manufacturing, educational organizations, entertainment businesses, public administration, or other. We estimate that about 23% (29,500 full-time employees) of the community's workforce

(127,592 individuals) are employed by the businesses/organizations who participated in this study (U.S. Bureau of Census, 1994).

The second part of the study focused on the employees' perspective and experience. Written invitations to participate in the study were distributed to the employees of our sample of businesses/organizations in various ways, e.g., office mailboxes, payroll envelopes. Employees who were willing to be interviewed in a phone survey returned a consent form, their phone number and other relevant information, confidentially, via inter-office mail, direct mail to researchers, or sealed drop-off boxes in lunch rooms. More than 1400 employees agreed to participate in the study and a sample of 527 full-time employees, stratified by size and type of organization, and by the presence of dependent care responsibilities, was drawn from these respondents. Figure 1 shows size and sector proportions for the employer and employee sample.

As can be expected, the large businesses/organizations, having the greatest number of employees, generated most of the respondents for the employee sample. Likewise, the greater portion of employee respondents from the public and nonprofit sectors probably reflects the large percentage of the workforces in this community who are employed in the services industry and in government.

Measures

Data for part-one of the study, the employer survey, were obtained from a mail survey. The self-report instrument asked employers to indicate which of 34 family-oriented workplace policies, benefits, or practices ('benefits' will be used as an inclusive term for policies, benefits, and practices) they provide to their full-time employees. The researchers selected sixteen benefits most closely associated with work-family issues and used the Family-Friendly Index rating criteria developed by the Families and Work Institute (FWI) (Galinsky et al., 1991) as a guide to assign a weighted score to each of the selected benefits. If the benefit was offered, it received the maximum score recommended by the FWI; if not offered, it received a score of '0'. FWI considered six criteria in weighting a benefit: 1) impact, i.e., the capacity of the benefit to reduce work-family conflicts; 2) commitment of the employer, i.e., the amount of resources (money, time, people) invested in the benefit; 3) level of effort, i.e., the difficulty of implementing the benefit; 4) coverage, i.e., availability; 5) institutionalization, i.e., written and formal policies vs. informal; and 6) innovativeness, i.e., unique response to need. The weighted items were allocated to one of the major benefit categories and the scores summed to form a flexible work arrangements index, a leave time index, a work-family stress management index, and dependent care services index. The higher the index scores the greater the benefit package the employer provides for that particular benefit category. Workplace culture is measured by a series of questions about employees' perceptions of colleagues and supervisors support for family-friendly workplace policies. Table 1 presents the detail of and descriptive statistics for the variables used in the employer survey. Additional survey questions asked about the employers' plans to offer any of the benefits not currently provided. If the respondent answered negative, they were then asked to choose any or all of the following reasons for not offering the benefit: too expensive, not needed, do not know enough about it, other.

Data for the second part of the study, the employee survey, was collected by a 30 minute phone interview that asked employees to respond to questions concerning: the availability of many of the family-oriented workplace benefits queried in the employer survey; their use of any of the benefits currently available to them; and the anticipated usefulness of those benefits not available to them. Besides demographics, measures on well-being, child-care related experiences, work-specific variables and workplace culture were included. Table 2 provides detailed information about the measures used in the employee survey. In summary, well-being is assessed by eight separate areas of functioning: role strain, work stress, stress as a parent, stress within the spouse/partner relationship, stress due to the use of alcohol or drugs by a family member, stress due to physical violence in the home, financial stress, and stress related to physical health. Role strain is a 7-itme scale asking respondents about their experiences combining work and family activities. Work stress is a five-item scale asking respondents to report how problematic certain work situations have been during the past six months. The remaining six stress areas are each measured by a one- item question, asking respondents about the stress they are currently experiencing in relationships with their spouse/partner, with their children, and regarding the use of alcohol or drugs in the family, the presence of physical violence in the home, their financial situation, and their physical health.

Child care related experiences are measured by a 7-item scale asking respondents with dependent children to report how problematic certain situations have been for them during the past six months. Work-specific measures include one-item questions on performance evaluation and intention to continue at current place of employment. Workplace culture is measured by a series of questions about employees' perceptions of colleagues and supervisors support for family-friendly workplace policies.

FINDINGS

Data analysis is done independently for the employer sample and for the employee sample and reported separately. However, the findings from both samples are often discussed within the same context. For example, the data from both samples suggests that the employers and employees who elected to participate in this study are those who are performing well. Nearly all of the employers report that they are doing better than (55%) or the same as (42%) their competitors in meeting their goals. Regarding employees, 87% of those who received a performance evaluation during the past year (n=458) report they were rated by their supervisors as performing 'above average'. Ten (10) years is the average length of time that the employees have worked at their current place of employment and 90% of the employees report that they intend to continue work at their current place of employment.

Demographics

Table 3 compares the demographics of the employee sample to the employee demographics of the businesses as estimated by the employers. Based on the employer estimates of their workforce, the employee sample approximates the proportion of minorities and those less than 40 years of age in these businesses/organizations, but over-represents females, employees with dependent care responsibilities.

Table 3.
Comparison of Employee Demographic Profile as Estimated by Employers (for Empoyer Sample) and from Actual Employee Sample

Employee Demographic Characteristic	Employer Estimates (n=88)	Employee Sample (n=527)
Female	59%	72%
Minority	16%	13%
Dependent Care Responsibilities	33%	71%
Married	47%	81%
Professional/managenal occupation	36%	71%
Under age 40	49%	43%

Table 4. Prevalence of Family-Oriented Benefits Offered by 88 Businesses/Organziations

BENEFIT OFFERED	N	% of Sample
Flexibility in starting and quitting times, as long as employees work the required number of hours	69	78%
12 weeks or more unpaid, job protected leave for certain family and medical reasons	68	77%
Reduction of work schedule to part-time or to job sharing to provide care for family members	57	65%
Referral to community service agencies and support groups	57	65%
Work at home OCCASIONALLY	53	60%
Time off with pay, occasionally, to attend to family needs, children's school functions, etc. without having to use paid vacation days	50	57%
Pre-tax transfers to a dependent care or flexible spending account	34	39%
Short-term nonoccupational disability insurance coverage. (Also called Temporary Disability Insurance or Sickness and Accident insurance)	32	37%
Employee assistance programs (EAP) i.e family/marital counseling for personal problems that disrupt family life and work.	28	32%
Workshops/seminars on parenting, child development, care of the elderly or work-family concerns.	26	30%
Information regarding child care services.	16	19%
Work at home or at off-site locations on a REGULAR basis, possibly linked by telephone or computer	13	15%
Sick, emergency, summer or holiday care for employees' children.	10	11%
Child care facilities at or near the work site independently or in a consortium with other employers.	10	11%
Support groups in the workplace for employees facing family problems or experiencing work-family conflict	9	10%
Child care vouchers or other subsidies	5	6%

married employees, and employees in professional/managerial occupations.

Distribution of Family-Oriented Workplace Benefits

Table 4 shows the prevalence of individual benefits as reported by the employer businesses/organizations. Flexible work arrangements and leave time benefits are offered by several businesses/organizations while help with child care is provided by very few employers. One-way analyses of variance tests were used to explore the research question about the distribution of benefits across organization size and sector (see Table 5). There are no differences among either size or sector organizations for flexible work arrangements while work-family stress management varies across both size and sector. Large organizations provide greater leave time, work-family stress management and dependent care benefits than do small organizations. The private, for profit sector provides fewer benefits for work-family stress management than do the other two sectors.

The employee survey provides additional insights about the availability of benefits in these businesses and organizations. Chi square tests were conducted to explore the reported availability or non-availability of 15 separate benefit items between employees with child dependent care responsibilities (n=374) and those without(n=133), between men (n=148) and women employees(n=379), and among four occupational groupings — professional/managerial with supervisory responsibilities s (n=219), professional/managerial without supervisory responsibilities (n=158), non-professional/managerial with supervisory responsibilities (n=57), non-professional/managerial employees without supervisory responsibilities (n=93). No statistically significant differences were reported by employees with or without child dependents in the availability of any benefits. A greater percentage of men vs. women in this sample report that Flex-time (X^2 = 7.24, p<.01) and Pre-tax Savings Account (X^2 = 4.1, p<.05) benefits are available to them. The availability of benefits was most varied among occupational groups. A greater percentage of professional/managerial employees with supervisory responsibilities report the availability of Flextime (X^2 = 18.88, p<.000), Work at Home (X^2 =29.29, p<.000), and Job-share (X^2 = 8.32, p<.05). On the other hand, a greater percentage of non-professional/managerial employees, both with and without supervisory responsibilities, report availability of TDI benefits (X^2 =11.14, p < .01), a greater percentage of employees with supervisory responsibilities, both professional/managerial and non-professional/managerial, report availability of Referral Services for Child and Elder care (X^2= 8.23, p<.04).

Importance and Use of Family-Oriented Workplace Benefits Reported by Employees

Figure 2 presents percentages of employees who report the availability of 15 benefit items, the percentage of those employees who consider it important that their employer continue to provide these benefits, and the percent of employees who have used the benefits available to them within the past six months. Most employees report that it is important to them that their employer **does** provide the benefits, although most have not used the benefit within the past six months. This response appears most striking among the more prevalent benefits. For example, 85% of employees in the sample report that TDI benefits are available to them and are considered important by 80%, but used (during the last six months) by less than 10%. Unpaid Leave, is available to 78% of the employee sample, important to 75% of them and used by less than 5%; and EAP benefits, available to 75% and important to 65% are used by less than 10%. The benefits used by the most employees include flextime (33%), Occasional Paid Leave (22%), and Work Stress Workshops (22%).

Chi-square analysis was done to explore differences in the use of all benefits between male and female employees, among employees in the four occupational groupings, and between employees with and without child dependent care responsibilities (on only those benefits NOT related to child-care). No statistically significant differences in usage were detected by gender or by dependent care responsibilities on any of the benefits. Professional/managers, with and without supervisory responsibilities, were more likely to use Work at Home benefits (X^2= 14.90, p = .001) while non-professional/managers, with and without supervisory responsibilities, were more likely to use Job-Share (X^2 = 14.55, p= .002).

T-tests and one-way analyses of variance were performed to explore differences in how important the available benefits might be to different groups of employees (scores could range from one, not important, to four, very important). Very few differences were revealed. Males and females alike, employees with and without dependent children, employees in all occupational status groups and in all size and sector organizations report that it is

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equally important to them that their employers continue to provide most of these benefits. Exceptions are: Flextime is more important to females (t=3.41, p=.001) as is Unpaid Leave (t=3.39, p = .001), and Work Stress Workshops (t=2.18, p=.03). Flextime is also more important to employees in mid-size and large organizations than to those in small organizations (F=6.68, p=.001). Pre-tax Savings are more important to employees with dependent children (t=4.89, p=.000) and to employees in the public sector (F=3.55, p=.03). Work at Home benefits are more important to professional/managers, with and without supervisory responsibilities (F=5.24, p=.001), while Job Share is more important to non-professional/managers, with supervisory responsibilities (F=3.11, p=.029). Parenting Workshops are more important to professional/managers with supervisory responsibilities (F=3.6, p=.001).

Relationship between Family-Oriented Workplace Benefits and Employee Well-being

Exploration of the potential impact of the 15 work-family benefits was done by comparing well-being differences between two groups of employees in this sample - -those who have and use a particular benefit and those who anticipate that they would personally find that benefit useful to them if provided by their employers. A series of t-test was performed, for the total employee sample, on the eight well-being measures for nine of 15 benefits not specific to parenting or child-care issues. Well-being differences for the remaining parenting and child-care benefits were investigated only for those employees reporting child dependent care responsibilities. Differences in child-care related experiences were also investigated for this dependent care sub-sample. Table 6. presents the statistically significant mean differences. Employees who have and use Flextime reports less role strain, less work stress and less physical health stress than employees who do not have but anticipate that flextime would be personally useful to them. Employees who have and use Work Stress Workshops report less role strain and less physical health stress than employees who do not have but would expect to use these workshops. Employees who have and use Job-share report less work stress than employees who don't have but would use Job-share.

Workplace Culture

Workplace culture was explored in both the employer and the employee sample, but with somewhat differing perspectives. Using data from the employer sample, correlations were done between the work-family benefit indices, workplace culture, and several organizational characteristics of the businesses (organizational growth, meeting organizational goals, employee occupational status, gender, age, etc.). Workplace culture shows an important, though moderately weak, positive relationship to three of the four benefit categories: $r = .25, p < .01$ for the Flexible Work Arrangement Index; $r = .23, p < .01$ for Leave Time Index; and $r = .21, p < .05$ for Dependent Care Services Index.

From the employee survey data, the Pearson r was used to examine the relationship between workplace culture and employee well-being. There is a statistically significant, though somewhat weak, inverse relationship between workplace culture, as reported by the employees, and six of the eight measures of employee well-being: role strain ($r = -.19$, p=.000), work stress ($r = -.18$, p=.000), stress regarding physical health ($r = -.11$, p=.016), stress regarding finances ($r = -.08$, p=.042), stress regarding relationship with spouse/partner ($r = -.15$, p=.001), and stress regarding relationship with one or more children ($r = -.14$, p=.004). The more supportive of family-friendly policies an employee perceives his or her co-workers and supervisors to be, the less employees experiences role strain and stress.

Need For and Barriers To Family-Oriented Workplace Benefits

The employer sample and the employee sample were also both used to obtain insight into the need for work-family benefits and possible barriers to the provision and use of these benefits. Figure 3. presents data from employees about the anticipated usefulness of each of the 15 benefits that are not currently available to them through their employer. Thirty-five (35) to 50% of the total employee respondents (approximately 200-260 employees) report that they would find Sick Child Care Benefits, Help with Paying for Day Care, On-site Day Care, 7-plus days of Paid Leave for family related needs, Work-at-home options, and Referral Services for Child and Adult Care personally useful to them if such benefits were offered by their employers. Employee reluctance to use available benefits can also be considered a barrier. Eight percent (8%) of the employee sample report not taking advantage of some kinds of work-family benefits offered to them by their employers because they thought it would hurt their chances of being promoted; 10% because they thought it would jeopardize their job security; 10% because they thought their co-workers would resent them for using the benefit; 13% because they thought using one of the benefits would make it seem that their job was not important to them, and 7% gave other reasons for not using a benefit.

The employers' perspective is conveyed in Table 7 that presents the reasons given by employers for not planning to provide seven of the least offered benefits (see Table 4. for frequency of benefit). On-site child care, child care vouchers, and emergency/summer care benefits are perceived by employers as not needed and too expensive. Information services regarding child and elder care services and 'sick leave' banks are not familiar to many employers but nevertheless considered not needed. On the other hand, Work-at-Home is not offered primarily because employers perceive this benefit as not needed. Other reasons given for not offering various benefits were: organization is too small, the nature of their business precludes offering the benefit, employees have other options for accessing the benefit, and employees with this need are handled on a case by case basis.

DISCUSSION AND LIMITATIONS

An obvious weakness of this study is the response bias that limits the generalizibility of the findings. The employer survey provides information about a group of businesses/organizations that we assume, by fact of their participation in the Project Parent Program, are aware of the importance of work-family benefits and already taking some action in this area. Thus, the findings about the availability of benefits reported in this sample may overestimate the prevalence of family-oriented workplace benefits in this community and force the question of whether or not the need for and barriers to family workplace supports are greater than the data indicate.

The employee survey includes a large percentage of employees who are married, are female, and have dependent care responsibilities. These employees are not representative of the total workforce but we suspect that they are the ones most affected by the presence or absence of family-oriented workplace supports. Their insights and experiences about the intersection of work and family in 'family-friendly' environments are valuable. Nonetheless, examining work-family issues in businesses and organizations not known to be 'family-friendly' remains critical. A study of those businesses/organizations not involved with the Project Parent Program would provide a good comparison group to explore similar work and family issues.

Additional studies would also provide an opportunity to further develop the instruments and conduct validity and reliability tests for the measures. In particular, the scoring of the Index of Work-Family Benefits needs additional testing. An expansion of the study to other businesses and organizations should also increase the sample size and alleviate some data analysis and interpretation problems caused by a small number of respondents in certain data cells. The small number of employees in this sample who have and use child care benefits is especially problematic in examining the impact of such benefits in employees' work and family lives.

Overall, these findings reiterate the importance of flexible work arrangements and supportive workplace culture already emphasized in the work-family literature. In future studies, workplace culture, used as a predictor variable in this study, could also be explored as an outcome of employers choosing to provide many family-oriented workplace benefits. Work Stress Workshops, which emerged in this study as a prominent variable in terms of availability, importance, and usage as well as its influence on several areas of employee well-being have not been widely studied in the work-family literature and should be further investigated. Most important, the contrast between employers' and employees' perceptions regarding the need for and/or usefulness of dependent care and other benefits demands additional study. Also, the seeming appeal of Work-at-home options for professional/managerial occupations, contrasted with the interest in Job-share benefits by non-professional/managerial, poses an interesting research question.

This study does provide baseline information about the extent and effect of family-oriented workplace polices and benefits in this community. Repeated administrations of the survey instruments can assess the growth or decline of such policies over time in the community. The information should be useful to policy-makers and business leaders in setting human resource policy goals and in allocating resources. Findings will also be useful to special interest groups representing employees and women. The study can provide these groups with information about the work/family issues that are most salient in the lives of their constituents and, as a result, help them decide where to focus their attention. In particular, if the apparent widespread acknowledgment of the importance of family-oriented benefits, despite gender, occupational status, size or sector of employer, or need for the benefit, as reported by employees in this sample, is replicated in other studies, such findings can serve as powerful aids in advocating for workplace changes beneficial to women and other adult workers.

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IWPR NOTE

While every effort has been made by IWPR to ensure that papers have been included in their entirety, in some cases this was not possible. IWPR regrets the omission of any additional materials and suggests that readers contact the author directly.

EMPLOYED MOTHERS AND FATHERS IN THE UNITED STATES: UNDERSTANDING HOW WORK AND FAMILY LIFE FIT TOGETHER

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ABSTRACT

Drawing primarily on data from the 1997 National Study of the Changing Workforce (NSCW), this paper addresses three questions: How do work and family life affect employed parents' personal well-being and job performance?; How have the characteristics of employed parents' jobs and workplaces changed over the past 5 to 20 years?; How have employed parents' lives off the job and attitudes toward work changed over time? Our findings suggest that excessive job demands lead to job burnout and job-to-home spillover that, in turn, lead to home-to-job spillover which diminishes job performance. Compared to employed parents twenty years ago, today's employed parents are working longer, harder and they are feeling more pressured on the job. Compared to five years ago, employed parents today want to work less and fewer parents express an interest in taking on more responsibility at work.

INTRODUCTION

The study of work and family life is relatively new. Many of these studies have been exploratory, seeking to identify the work and family factors most strongly associated with various outcomes, including work-family conflict (Keith & Schafer, 1980; Piotrkowski & Katz, 1983; Burke, Weir & DuWors, 1979; Crouter, 1984; Voydanoff, 1988; Hughes & Galinsky, 1988); role strain (Bohen & Viveros-Long, 1981); job satisfaction (Repetti & Cosmas, 1991); psychological well-being (Repetti, 1987; Barnett & Baruch, 1985; Barnett & Marshall, 1991); marital relations (Hughes, Galinsky & Morris, 1991; Repetti, 1989); and parenting satisfaction and children's development (Piotrkowski & Katz, 1983; Piotrkowski & Crits-Cristoph, 1981; O'Neill, 1992; Lerner & Galambos, 1985; Greenberger, Goldberg, Hamill, O'Neil, & Payne, 1989; Greenberger, O'Neil & Nagel, 1994; Howes, Sakai, Shinn, Phillips, Galinsky, & Whitebook, 1995; Kohn, 1969; Kohn & Schooler, 1973; Menaghan & Parcel, 1990). Other studies have probed theory, for example, addressing the question of whether multiple roles enhance or deplete psychological well-being, especially among employed mothers (Barnett and Marshall, 1992; Baruch and Barnett, 1987; and Marks, 1977). For the most part, the research to date has been based on the notion of separate spheres, conceptualizing work and family as distinct aspects of life. bridged by feelings of conflict or interference (Barnett, 1997). Recently, there has been a call for understanding the overlapping worlds of work and family, for developing and testing theory of how these experiences fit together (Barnett, 1997).

In this paper, we address three questions.

1. How do work and family life affect employed parents' personal well-being and job performance?
2. How have the characteristics of employed parents' jobs and workplaces changed over the past 5 to 20 years?
3. How have employed parents' lives off the job and attitudes toward work changed over time?

The paper draws primarily on data from the 1997 National Study of the Changing Workforce (NSCW), a research program of the Families and Work Institute that surveys representative samples of the nation's labor force every five years. It also provides a historical perspective by comparing data from 1997 with data from the 1992 NSCW and from the U.S. Department of Labor's 1977 Quality of Employment Survey (QES).

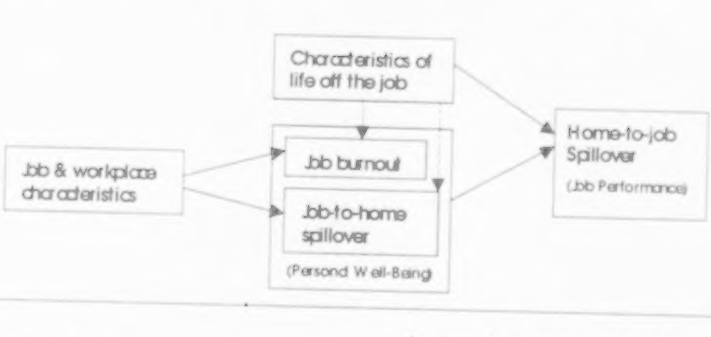
The sample size for the 1997 NSCW is 1,316 wage and salaried workers-635 women and 681 men-who have children under 18 years of age living with them at least half the year. The sample from the 1992 NSCW is 1233 employed parents-632 women and 601 men-with children under 18. The sample from the 1977 QES is 618 employed parents-244 women and 374 men-with children under 18. Because each of these studies has a slightly different sampling framework, we restrict the samples so that they are identical for the purpose of making comparisons. When comparing the 1992 NSCW and 1997 NSCW, we reduce the 1997 sample to include only workers 18-64 years. Similarly, when making comparisons between 1997 NSCW and 1977 QES, we reduce the 1997 sample to employees 18 years and older who working 20 more hours per week and who were interviewed in English.

Question 1: How do work and family factors affect employed parents' personal well-being and job performance?

To address this question, we developed a conceptual model (see Figure 1) based on the following hypotheses:

- Good quality jobs and supportive workplace environments enhance workers' personal well-being and quality of life off the job-as indicated by reduced feelings of job burnout and job-to-home spillover.
- Demanding and hectic jobs jeopardize workers' personal well-being and quality of life off the job-as indicated by elevated feelings of job burnout and job-to-home spillover.
- Supportive workplace environments offer some protection again the negative effects of demanding jobs.
- Some employed parents may be more susceptible than others to job burnout and negative job-to-home spillover because of the particular circumstances of their lives off the job.
- Employed parents who experience greater job burnout and negative job-to-home spillover also experience more negative spillover from their home lives into their jobs, which limits job performance.
- Negative spillover from home to job is also a product of the characteristics of employed parents' lives off the job-household demographics, employment status of

Figure 1: Conceptual Model



spouse, dependent care responsibilities and problems, socioeconomic status, and so forth.

We measure the constructs in our conceptual model in the following ways:

Employee demographics: age, gender, race/ethnicity, education, occupation, and years in the labor force-are controlled in all analyses.

Job characteristics include earnings and fringe benefits, job demands, and job quality. Earnings were estimated on an hourly basis for the respondent's main job; benefits were represented by counts of traditional and dependent care benefits offered. Job demands includes the number of paid and unpaid hours worked at the parents' main job, number of nights away from home on business, frequency of paid or unpaid overtime with little or no notice, nonstandard work schedule, frequency of bringing work home, and job pressures. Job quality includes five factors: job autonomy, learning opportunities on the job, meaningfulness of work, opportunities to advance, and job security.

Workplace characteristics include flexible work arrangements, supervisor support, supportiveness of workplace culture, positive coworker relations, lack of discrimination, and respect on the job.

Personal well-being includes job burnout and job-to-home spillover. Job burnout is measured by asking employees how often they have felt emotionally drained by their jobs, used-up at the end of the workday, stressed out by work, and tired when facing another workday during the past three months. Job-to-home spillover is measured by asking how often in the past three months-because of their jobs-employees did not have enough time for themselves, did not have enough time for family or other important people in their lives, did not have the energy to do things with family or others, could not get everything done at home, and were not in as good a mood as they would have liked. Both of these measures are strongly correlated with general measures of personal well-being-stress, coping, and life satisfaction (Bond, Galinsky & Swanberg, 1998), but are more robust for purposes of our explanatory analyses and have the advantage of being directly linked to work in the minds of employees.

Characteristics of life off the job include the following factors: working multiple jobs; hours worked at job(s) other than main job; commutation time to main job; marital status; parental status (having children under 18 and under 13); living in a dual-earner household or not; frequency of breakdowns in child care arrangements; quality of child care arrangements for children; perceived quality of child care arrangements for respondent; elder care responsibilities in past year and time off work to provide care; current elder care responsibilities and time taken to provide current care; having both child care and elder care responsibilities; amount of time for self on workdays and non-workdays; and total projected household earnings for 1997.

Home-to-job spillover, our indicator of job performance, is defined as the frequency in the past three months that the employees' family or personal life has kept them from getting their work done on time at the job, taking on extra work, doing as good a job at work as they could, concentrating on their job, as well as draining them of the energy needed to do their job.

WHAT DID WE FIND?

Explaining Job Burnout and Job-to-Home Spillover

The first set of analyses we conducted examined how job and workplace characteristics are related to job burnout and job-to-home spillover. To test our hypotheses, we conducted multiple linear regression analyses on unweighted data. We controlled for basic employee demographics, then earnings and fringe benefits. Additional variables were entered in blocks-Job Demands, Job Quality, Workplace Support-and tested independently of one another, rather than hierarchically.

The employee demographic covariates do not explain any significant proportion of the variance in job burnout and only 1 percent of the variance in job-to-home spillover, while earnings and access to fringe benefits explain only 1 percent of the variance in each.

Job demands, job quality, and workplace support, together, explain 32 percent of the variance in job burnout. Job demands explain 15 percent of the variance in job burnout, with higher demands associated with higher burnout. Job quality explains 11 percent of the variance in burnout, with higher job quality associated with lower burnout. Workplace support explains 19 percent of the variance in burnout, with greater workplace support associated with lower burnout.

In sum, employed parents with more demanding jobs, poorer-quality jobs, and less supportive workplaces experience greater job burnout than other employees with children do. To some extent, workplace support appears to buffer or protect employed parents somewhat from the negative effects of job demands, as determined by controlling for workplace support factors before evaluating the power of job demands to explain job burnout. However, job demands account for 11 percent of the variance in burnout even after workplace supportiveness is controlled, while job quality does not have any buffering effect. Thus, even in supportive workplaces, excessive job demands still take a toll.

In examining job-to-home spillover, we find that job demands explain 18 percent of the variance in job-to-home spillover, with higher demands associated with greater job-to-home spillover. Job quality explains 7 percent of the variance in job-to-home spillover, with higher job quality associated with less job-to-home spillover. Workplace support explains 14 percent of the variance in job-to-home spillover, with greater workplace support associated with less job-to-home spillover. Together, job demands, job quality, and workplace support explain 30 percent of the variance in job-to-home spillover.

Workplace support appears to buffer employed parents somewhat from the negative effects of job demands, as determined by controlling for workplace support factors before evaluating the power of job demands to explain job-to-home spillover. However, job demands still account for 15 percent of the variance in job-to-home spillover after workplace supportiveness is controlled, and job quality does not have any buffering effect.

In sum, employed parents with more demanding jobs, poorer-quality jobs, and less supportive workplaces experience more negative spillover from job to home than other employees with children do. Although more supportive workplaces appear to provide a buffer against the negative effects of more demanding jobs, job demands still have considerable negative impact.

Next, we evaluated our hypothesis that some employed parents might be more susceptible than others to feelings of job burnout and negative job-to-home spillover. We addressed this question by determining whether characteristics of life off the job explain any additional variance in job burnout and negative spillover from job to home, when job and workplace factors are held constant.

We find that characteristics of life off the job explain 2 percent of the variance in job burnout when job demands and workplace support are held constant. Employed parents who more often experience breakdowns in their regular child care arrangements, have lost time from work because of elder care responsibilities, and spend more time commuting to and from work appear to be more susceptible than others to job burnout (based on the significance of partial correlations).

Taken together, off-the-job factors explain 3 percent of the variance in negative spillover from job to home when job demands and workplace support are held constant. Employed parents who perceive the quality of their child care arrangements to be lower, experience more breakdowns in their regular child care arrangements, spend more time commuting, have less time for themselves, have lower household incomes, and have children under 13 years old appear to be more susceptible than others to feelings of negative spillover from their jobs into their personal lives (based on the significance of partial correlations).

Explaining Home-to-Job Spillover

Following the conceptual model outlined in Figure 1, we then examined how characteristics of life off the job, job burnout, and job-to-home spillover are related to home-to-job spillover-our indicator of job performance. Variables representing characteristics of life off the job were tested as a block independently of the block containing job burnout and job-to-home spillover, while controlling for employee demographics.

Employee demographic covariates explain 4 percent of the variance in home-to-job spillover, with spillover being somewhat greater among non-minority mothers than other parents.

Although life-off-the-job factors were expected to be powerful predictors of spillover from home to job, they only account for 7 percent of the variance in home-to-job spillover. Experiencing more frequent breakdowns in regular child care arrangements, being dissatisfied with the quality of current child care arrangements, and having more than one job are the only significant individual predictors of negative home-to-job spillover.[2]

In contrast, employed parents who experience less job burnout and less negative spillover from job to home report much less negative spillover from their personal and family lives to their jobs than others do. Our indices of job burnout and job-to-home spillover explain 18 percent of the variance in spillover from home to job-more than two and on-half times the amount explained by characteristics of life off the job.

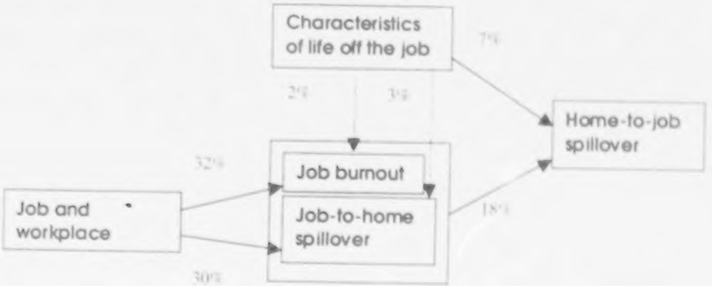
Summary of major findings

Our findings suggest a chain of effect in which excessive job demands lead to job burnout and job-to-home spillover that, in turn, lead to home-to-job spillover, which diminishes job performance. To some extent, supportive workplaces protect employed parents from the negative effects of highly demanding jobs, but supportive workplaces are not enough. Job demands and the demands of life off the job must be manageable for employed parents to preserve their personal well-being and to perform their jobs effectively.

Question 2: How have the characteristics of employed parents' jobs and workplaces changed over the past 5 to 20 years?

Given the importance of job demands, job quality, and workplace support to the well-being and productivity of employed parents, our next set of analyses involved an investigation of how these factors have changed over time. To address this question we draw on data from the 1997 National Study of the Changing Workforce, 1992 National Study of the Changing Workforce and 1977 Quality of Employment Survey. We only report historical comparisons when identical questions were asked in 1992 or 1977.

Figure 2: **Home-to-Job Spillover: Relative Explanatory Power**



Job demands today and in the past

As described above, job demands include the number of paid and unpaid hours worked at the employed parents' main job, the number of nights away from home on business during the past three months, frequency of unpaid overtime with little or no notice, whether parents work non-day time schedules, the frequency with which parents bring work home, and perceived job pressures.

We find that most employed parents have full-time jobs with regular daytime schedules. Eighty-six percent are scheduled to work full-time-35 hours or more a week-at their main or only jobs. However, fathers are more likely than mothers to work full time (96 percent versus 76 percent). Almost three quarter of parents (74 percent), mother and fathers alike, work regular daytime schedules at their main or only jobs, in contrast to 26 percent of mothers and fathers who work evenings, nights, rotating, split, and variable shifts. The proportion of employed parents working non-standard shifts did not changed between 1997 and 1992.

Table 1: Hours Worked Per Week at all Jobs—1997

Hours Worked by employed parents with children under 18	**Means (sample size)** *(n=1308)*
Fathers	
Scheduled hours at main job	41.6 hrs
Total hours at main job	48.5 hrs
Total hours at all jobs	50.9 hrs
Mothers	
Scheduled hours at main job	35.8 hrs
Total hours at main job	40.3 hrs
Total hours at all jobs	41.4 hrs

As shown in Table 1, employed fathers with children under 18 work longer paid and unpaid hours at all jobs (50.9 hours per week) than employed mothers (41.4 hours per week). Fathers' total work time has increased 3.1 hours per week in the past 20 years, while mothers' time has increased by 5.2 hours.

According to the 1997 NSCW, employed fathers spent an average of three nights away from home on business travel over the past three months compared with one night for mothers. These numbers have not changed since 1992. Among fathers in 1997, 21 percent are required to put in overtime with little or no notice once a week or more compared with 13 percent of mothers. At the opposite end of the spectrum, 14 percent of fathers and 25 percent of mothers never have to work required overtime with little or not notice. Although "required" overtime with little or no notice is unlikely to account for the 5.5-hour weekly difference for mothers and 6.9-hour difference for fathers between scheduled and total hours worked on main jobs (Table 1), total work hours do include voluntary paid and unpaid extra hours worked at any location.

Almost one-third of parents-mothers and fathers-spend time on a weekly basis doing work at home that is directly related to their main jobs. The proportion of parents bringing work home from the job once a week or more has increased by 11 percentage points since 1977, while the proportion never bringing work home from the job has decreased by 17 percentage points. This change may have been abetted by a shift toward new technologies-such as portable computers, home computers, home fax and email capability, and so forth-that make it easier to work from home.

Job pressure has increased substantially over the past 20 years as indicated on all three items included in the single index of this construct. Sixty-eight percent of parents today agree with the statement: "My job requires that I work very fast"-a 10 percentage point increase since 1977, when 58 percent of workers agreed. Eighty-eight percent of mothers and fathers agree with the statement: "My job requires that I work very hard"-up from 71 percent in 1977. The biggest change in employees' perceptions of job pressures relates to time. In 1997, 62 percent of parents agree with the statement: "I never seem to have enough time to get everything done on my job"-a dramatic increase from 41 percent in 1977.

Table 2: Employed Parents' Perceptions of Job Autonomy

Job Autonomy Items	**Full 1997 Sample**	**1997 vs. 1977 Restricted Samples for Comparisons ***		
		NSCW 1997	*Sig.*	**QES 1977**
	Percentage (sample size)	**Percentage** *(sample size)*		**Percentage** *(sample size)*
I have the freedom to decide what I do on my job	*(n=1316)*	*(n=1249)*	***	*(n=606)*
Disagree	28%	27%		43%
Agree	72	73		57
It is basically my own responsibility to decide how my job gets done	*(n=1316)*	*(n=1254)*	**	*(n=605)*
Disagree	14%	14%		22%
Agree	85	86		78
I have a lot of say about what happens on my job	*(n=1316)*	*(n=1254)*	**	*(n=603)*
Disagree	28%	28%		38.5%
Agree	72	72		61.5

* *For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older.*

Percentages differ slightly for the full and restricted 1997 samples.

*Significance levels: * = p < .01; ** = p < .001; *** = p < .0001; ns = not significant.*

Table 3: Learning Opportunities on the Job

Learning Opportunities	**Full 1997 Sample**	**1997 vs. 1977 Restricted Samples for Comparisons ***		
		NSCW 1997	*Sig.*	**QES 1977**
	Percentage *(sample size)*	**Percentage** *(sample size)*		**Percentage** *(sample size)*
My job requires that I keep learning new things	*(n=1316)*	*(n=1253)*	**	*(n=604)*
Disagree	10%	9%		16%
Agree	90	91		84
My job requires that I be creative	*(n=1316)*	*(n=1253)*	***	*(n=607)*
Disagree	23%	23%		37%
Agree	77	77		63
My job lets me use my skills and abilities	*(n=1316)*	*(n=1250)*	***	*(n=607)*
Disagree	8%	8%		23%
Agree	92	92		77
How satisfied are you with the opportunities that you have at work to learn new skills that could help you get a better job or find another equally good job if this one does not work out?	*(n=1316)*	Not asked in 1977		
Not satisfied	23%			
Satisfied	77			

* *For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Percentages differ slightly for the full and restricted 1997 samples.*

*Significance levels: * = p < .01; ** = p < .001; *** = p < .0001; ns = not significant.*

Job quality today and in the past

We define job quality as job autonomy, learning opportunities, meaningfulness of the job, opportunities for advancement, and job security.

Most employed parents feel they have some measure of job autonomy. Compared with parents in 1977, today's mothers and fathers have more freedom to decide what they do on their jobs (73 percent versus 57 percent), more responsibility in deciding how their jobs get done (86 percent versus 78 percent), and more say in what happens on their jobs (72 percent versus 61.5 percent).

Most employees have jobs that provide learning opportunities. As shown in Table 3, the proportion of mothers and fathers with jobs that require them to keep learning new things has increased by seven percentage points since 1977, while the proportion with jobs that require them to be creative has increased by 14 percentage points. Parents in 1997 are also more likely to feel that their jobs allow them to use their own skills and abilities-an increase of 15 percentage points from 1977.

Most employed parents have meaningful work and the proportion who feel this way has increased over the past 20 years. Ninety-one percent of employed mothers and fathers agreed with the statement: "The work I do on my job is meaningful to me." Comparing 1997 with 1977,[4] we find a increase of six percentage points in the proportions of parents who find their work meaningful to them.

Surprisingly few employed parents rate their chances for advancement at their current places of employment as excellent. Twenty six percent of employed mothers and fathers rate their own chances to advance in their organizations as excellent, while an additional 34.5 percent rate their chances as good. In contrast, 40 percent-three in five mothers and fathers-rate their chances for advancement as poor or only fair.

An increasing number of employed parents experience job insecurity. Almost three in ten employed mothers and fathers (29 percent) think it is somewhat or very likely that during the next couple of years they will lose their current jobs and have to look for one with another employer. Fathers are just as likely as mothers to feel this way. In contrast, only 15 percent of employed parents in 1977 thought it was somewhat or very likely they would lose their jobs in the next couple of years and have to find a new one with another employer-14 percentage points lower than today. Forty-five percent of mothers and fathers in 1977, versus 29 percent today, thought it was not at all likely they would lose their jobs.

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Compensation and Fringe Benefits

Total real household income has not changed significantly from 1977 to 1997. Expressed in 1997 dollars, it was $57,594 for employed parents over this 20-year period.

The majority of parents have access to traditional fringe benefits: personal health insurance coverage (86 percent), family health insurance coverage (84 percent) pension or retirement plan (77 percent), paid vacation days (83 percent) and holidays (84 percent), and paid time off for personal illness (75 percent). However, only a minority of mothers and fathers have access to dependent-care benefits: child care information referral services (20 percent), elder care information and referral services (23 percent), on-or near site child services (12.5 percent) financial assistance for purchasing child care services (13 percent), and dependent care assistance plans (31 percent). Historical comparisons with the data from the 1992 NSCW survey could be made for only five benefits: personal health insurance coverage, family health insurance coverage, child care information and referral services, employer sponsored or near-site child care centers and elder care resource referral services. Of these fringe benefits, only access to elder care information and referral services has changed over the past five years, increasing from 10 percent in 1992 to 23 percent in 1997.

Supportive workplace environment today and in the past

Workplace support is defined as flexible work arrangements, supervisor support, supportiveness of workplace culture, coworker relations and discrimination. All of the questions about flexible work arrangements were asked for the first time in 1997 so five year and 20 years comparisons are not possible.

Forty-three percent of employed mothers and fathers are able to choose-within some range of hours-when they begin and end their workdays (traditional flextime), but only one in four can change daily schedules as needed (daily flextime).

Almost two-thirds (63 percent) of employed parents find it relatively easy to take time off during the workday to address family or personal matters. However, only 50 percent of employed parents are able to take a few days off from work to care for sick children without losing pay, forfeiting vacation time, or having to fabricate some excuse for missing work.

Ninety-four percent of mothers and fathers in companies of all sizes say that women are able to take time off-without jeopardizing their jobs-to recuperate from childbirth (maternity leave), and 79.5 percent say that men can similarly take some time off when they become fathers (paternity leave).

Mothers and fathers working part-time are more likely to believe they could switch to full-time (60 percent) in their current jobs or levels, if they wanted to, than full-time working parents are to believe they could switch to part-time (37.5) in their current positions or levels (flexibility in moving between part-time and full- time). Twenty-eight percent of parents spend at least part of their regular work week working at home, while another seven percent say they would be allowed to do so if they wanted to (regular work at home).

Most parents feel that their immediate supervisors are quite supportive, with 76 through 92 percent agreeing with nine statements describing various dimensions of supervisor support related to performance of the job and personal or family needs. Mothers and fathers are equally likely to believe that their supervisors are supportive. We find that parents interviewed in 1997 view their supervisors as somewhat more supportive than did mothers and fathers interviewed five years earlier on six of the eight individual items. Although most of the differences between 1997 and 1992 are small in magnitude, taken as a whole they suggest a change in employees' perceptions that is driven by actual increases in supervisor support over the past five years. The most dramatic change is that more parents in 1997 (76 percent) than in 1992 (66 percent) feel comfortable bringing up personal and family issues with their supervisors. There was no change with respect to supervi-

Table 4: Supervisor Support—1997

Supervisor Support Items[a]	**Percentage** ***(sample size)***[b]
My supervisor keeps me informed of the things I need to know to do my job well	*(n=1177)*
Agree	87%
Disagree	13
My supervisor has expectations of my performance on the job that are realistic	*(n=1177)*
Agree	92%
Disagree	8
My supervisor recognizes when I do a good job	*(n=1178)*
Agree	88%
Disagree	12
My supervisor is supportive when I have a work problem	*(n=1176)*
Agree	91%
Disagree	9
My supervisor is fair and doesn't show favoritism in responding to employees' personal or family needs	*(n=1179)*
Agree	83%
Disagree	17
My supervisor accommodates me when I have family or personal business to take care of – for example, medical appointments, meeting with child's teacher, etc	*(n=1163)*
Agree	94%
Disagree	6
My supervisor is understanding when I talk about personal or family issues that affect my work	*(n=1109)*
Agree	91%
Disagree	9
I feel comfortable bringing up personal or family issues with my supervisor	*(n=1142)*
Agree	75.5%
Disagree	24.5
My supervisor really cares about the effects that work demands have on my personal and family life	*(n=1160)*
Agree	80%
Disagree	20

[a] *Responses to supervisor support items were dichotomized into two categories—agree vs. disagree—to simplify presentation and discussion. The full response scale is: strongly agree, somewhat agree, somewhat disagree, and strongly disagree.*

[b] *These items were only asked of respondents who said they had particular persons who were their immediate supervisors (n=1310).*

Table 5: Workplace Culture

Workplace Culture Items *	Percentage *(sample size)*
There is an unwritten rule at my place of employment that you can't take care of family needs on company time	*(n=1305)*
Agree	29%
Disagree	71
At my place of employment, employees who put their family or personal needs ahead of their jobs are not looked on favorably	*(n=1300)*
Agree	34%
Disagree	66
If you have a problem managing your work and family responsibilities, the attitude at my place of employment is: "You made your bed, now lie in it!"	*(n=1303)*
Agree	24%
Disagree	76
At my place of employment, employees have to choose between advancing in their jobs or devoting attention to their family or personal lives	*(n=1300)*
Agree	32%
Disagree	68

**Responses to these items were dichotomized into two categories—agree vs. disagree—to simplify presentation and discussion. The full response scale is strongly agree, somewhat agree, somewhat disagree, and strongly disagree.*

sors' accommodating parents' family or business matters and supervisors' having realistic expectations of parents. However, on both questions a majority of parents in both years considered their supervisors to be supportive — 93 and 90 percent, respectively.

Two-thirds or more of mothers and fathers also believe that their workplace cultures are supportive as shown in Table 5. There is no significant change over the past five years in how parents view their workplace culture.

Most parents have positive relationships with coworkers. Ninety percent of mothers and fathers feel that they are a part of the group of people they work with, and 89 percent look forward to being with the people they work with each day. We found no differences between the 1992 and 1997 samples on either of these items.

Considering employed parents' general perceptions of opportunities to advance by race and gender in their workplaces, we find that mothers are as confident as fathers (63 percent) that employees of their same gender and racial or national backgrounds can advance in the organizations where they work, while non-minority parents are much more confident than minority employees that workers of their own gender and racial or national backgrounds can advance - 67 percent versus 48 percent.

As for perceived discrimination, mothers (20 percent) are more likely than fathers (15 percent) to feel discriminated against at their current job because of age, gender, or race. This overall difference is due to a higher proportion of women (13 percent) than men (4 percent) sex reporting sex discrimination.

Finally, we looked at respect. Despite some signs of perceived inequality of opportunity and discrimination on the job, 91 percent of parents-both mothers and fathers-agree strongly or somewhat that they are treated with respect at work. Because these questions on discrimination were asked for the first time in 1997, comparisons over time are not possible.

Question 3: How have employed parents' lives off the job and attitudes toward work changed over time?

Given the fact that job demands have increased considerably over the past 20 years, we next explore how families are managing. Specifically, we examine how employed parents spend their time at home on work days. We asked respondents to estimate the amount of time they spend in three broadly defined activities on the average workday: the amounts of time spent caring for and doing things with children, on household chores and on personal activities. Time spent caring for and doing thing with children is defined as the estimated time parents spend engaged in activities with their children. We recognize that the time parents spent with their children, to some degree, may overlap with home chores which is defined as "things like cooking, cleaning, repairs, shopping, yardwork, and keeping track of money and bills." Personal activities is characterized as time spent in "your own free-time activities."

Time caring for children among employed mothers and fathers in couples

Married mothers spend significantly more time doing things and caring for children than married fathers on workdays (3.2 hours for mothers versus 2.3 hours for fathers). Likewise, mothers spend significantly more time than fathers with their children on days off work (8.3 hours for mothers versus 6.4 hours for fathers). However, this gap between married mothers and fathers has narrowed considerably in the past 20 years. Whereas the amount of time mothers spend with their children has not changed, fathers have increased the amount of time they spend with children, as shown in Figure 3.

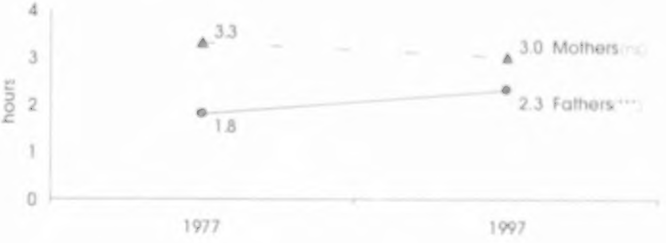
For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Means for the 1997 full and reduced samples may differ slightly.

When married mothers are asked about the time their husbands or partners spend with children, their estimates do not differ significantly from the amount of time fathers report spending, providing more confidence in these self-reported figures. Because mothers have managed to preserve their time with children despite working longer hours, fathers have increased their time, and families have fewer children today than they did 20 years ago, it appears that children are receiving somewhat more attention from their employed parents than was the case two decades ago.

Time employed mothers and fathers in couples spend on home chores

Employed mothers also spend more time on chores than fathers do. However, as with the care of children, there have been dramatic

Figure 3: Workday Time For Children in 1977 and 1997 -- Marrie
Employees with Children (Hrs/Day)



*Significance: *** = p < .0001; ns = not significant*

For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Means for the 1997 full and reduced samples may differ slightly.

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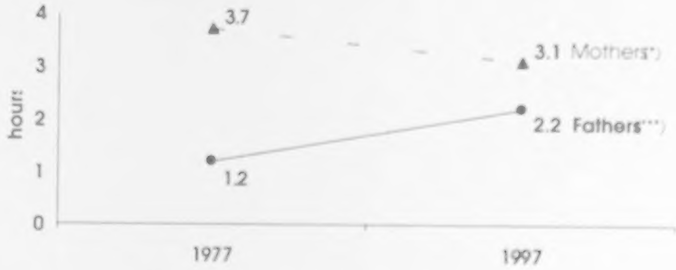
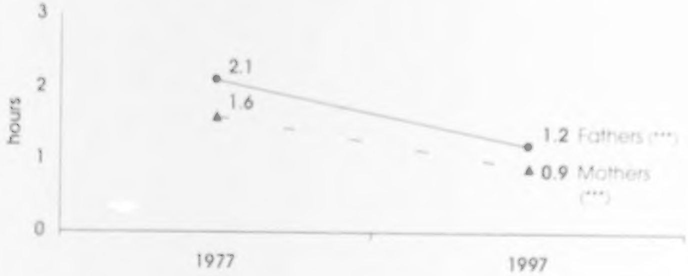
Figure 4: Workday Time on Chores in 1977 and 1997—Married Employees with Children (Hrs/Day)



*Significance: * = p < .01 *** = p < .0001*

For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Means for the 1997 full and reduced samples may differ slightly.

Figure 5: Workday Time for Self in 1977 and 1997 -- Married Employees with Children (Hrs/Day)



*Significance: * = p < .01 *** = p < .0001*

For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Means for the 1997 full and reduced samples may differ slightly.

shifts over the past 20 years. The difference between mothers and fathers was much greater (2.5 hours per workday) in 1977 than it is in 1997 (0.9 hours per workday). In other words, the workday time mothers spend on chores has declined by 36 minutes while fathers' time has increased by 1 hour per day.

For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Means for the 1997 full and reduced samples may differ slightly.

Time for personal activities

The additional time fathers and mothers are spending at work, with their children, and for men, on home chores seems to be taking a toll on the time parents engage in their own free-time activities. On average, married fathers report they have 1.2 hours for themselves on workdays compared to mothers who have about 18 minutes less - .9 hours per workday. The amount of workday time married parents have for their own personal activities has declined significantly over the past 20 years. On average, married fathers in 1997 have 54 fewer minutes for themselves on workdays than fathers did in 1977, while mothers have 42 fewer minutes for themselves on workdays today than mothers did in 1997, as shown in Figure 5.

For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Means for the 1997 full and reduced samples may differ slightly.

Changes in attitudes about work

Our findings indicate that families have accommodated to the increase in job demands with mothers preserving their time with the children while fathers have increased theirs. Mothers have decreased the amount of time they spend on chores while fathers have increased their amount of time. Both parents have cut back on time for themselves. The workplace has also accommodated by becoming slightly more supportive. These findings raise the questions: will job pressures continue to rise unabated? Will families continue to absorb these changes? To explore these questions, we looked at parents' desires - both in terms of work hours and job responsibility. We found that many mothers and fathers want to work less. When are asked about the number of hours they would prefer to work each week, employed mothers report that they would like to work 30.6 hours a week on average (compared with the 41.4 hours they actually work) and employed fathers would like to work 38.8 hours weekly (compared with 50.9 hours they actually work)-a difference of 10.7 hours for mothers and 12.1 hours for fathers.

Overall we found that 65 percent of parents prefer to work fewer hours. This is a significant increase from just five years ago. For fathers, the percent wanting to work fewer hours has climbed sharply from 54 percent in 1992 to 67 percent in 1997, while for mothers it has increased from 47 percent in 1992 to 63 percent in 1997.

Additionally, we found that fewer parents want to take on more job-related responsibility in the future. In 1992, 51 percent of employed mothers reported wanting greater responsibility declining to 41 percent in 1997. Among fathers, 64 percent wanted greater responsibility in 1992, dropping to 52.5 percent in 1997.

CONCLUSION

Employed mothers and fathers today are working longer, faster and harder on the job and at home than they were 20 years ago. As previously mentioned, in response to the increase pace and pressure at work, our findings indicate that families have made accommodations. Mothers have preserved the amount of time they spend with children, decreased the amount of time they spend on chores and on their own personal activities. Fathers have increased the amount of time they spend on children and chores and decreased the time they spend on free-time activities. The workplace has also accommodated by becoming slightly more supportive. Increasingly, however, employed parents - both mothers and fathers - are feeling the squeeze. They want to work less, and they are not as interested in assuming more responsibility at work. Perhaps they will push the workplace to deal with the mounting job pressure or will vote with their feet and act on their preferences to opt out of spending long hours at work. The extent to which parents believe

Table 6: Comparison of scheduled, actual and preferred hours worked per week in 1997

Employee Group	Scheduled weekly hours at main job	Actual Weekly hours at all jobs	Preferred weekly hours	Difference Between Actual And preferred Weekly hours
Employed Mothers	(n=632) 35.8	(n=632) 41.4	(n=626) 30.6	10.8
Employed Fathers	(n=675) 41.6	(n=675) 50.9	(n=672) 38.8	12.1

Table 7: Desired level of job responsibility in the future

	1997 vs. 1992 Restricted Samples for Comparisons *					
	Mothers			Fathers		
	1992	sig	1997	1992	sig	1997
In the future, do you want to move to a job with...	(n=623)	**	(n=622)	(n=599)	**	(n=665)
Less responsibility	6%		8%	3%		5%
Stay at the same level	43		51	32		42
Move to more responsibility	51		41	64		52.5

they can afford to take action on their wish to act on their desires to work less hard remains to be seen.

In the meantime, however, the 1997 National Study of the Changing Workforce has implications for employers. Rather than viewing issues of work and family as a win/lose proposition, there is the potential for a win/win scenario. Supportive workplaces can help employees be more effective workers, people, and parents. Employers who can provide better quality jobs, supportive workplaces and keep job demands at a reasonable level will clearly have a competitive edge.

ENDNOTES

1 The authors acknowledge the seminal contribution of James T. Bond in developing a conceptual model that explains the relationships between work and family life and for reading and commenting on drafts of this paper. Support for writing this paper was provided by the Ford Foundation. Support for the 1997 National Study of the Changing Workforce was provided by KPMG Peat Marwick LLP, Allstate Insurance Company, The Boeing Company, Ceridan, Citibank, N.A., The Commonwealth Fund, Fannie Mae, GE Fund, IBM Corporation, Johnson & Johnson, Merk & Co., Inc., Mobil Corporation, NCR Corporation, Salt River Project, Xerox Corporation and WFD.

2 Time for self on workdays, time for self on non-workdays, and total projected household earnings for 1997 were regressed on job and workplace variables, and their residuals were incorporated in the analyses summarized here. Household earnings equal respondent's earnings if single, and couple's earnings if married or living with partner.

3 Responses to these items and others throughout the paper were dichotomized into two categories - agree versus disagree. The full response scale is: strongly agree, somewhat agree, somewhat disagree, and strongly disagree.

4 For purposes of comparison, the 1997 sample was reduced to employees working 20 or more hours per week and interviewed in English, while the 1977 sample was reduced to employees 18 and older. Percentages differ slightly for the full and restricted 1997 samples.

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MEDIA PORTRAYALS OF WORKING MOTHERS/FAMILIES

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In recent months, a steady stream of sensational stories about working mothers has appeared on the front covers and pages of many national magazines and newspapers. The thrust of most of the stories is that these mothers are damaging their children by working too much and relying on day care. Because of their prominent coverage, these stories significantly shape public opinion, influence the decisions that working families make, and catalyze what then become "trend" stories.

I have concluded that these stories are "dangerous" to working women and their families. Sometimes bad science is touted endlessly to fit a particular agenda, sometimes good science is distorted beyond recognition for the same end. In either case, trend stories are too often long on anecdote, short on context, and carefully tailored to fit the "bad news" cover line.

To illustrate my thesis, I will discuss in turn four such stories:

- Work is becoming like family, family is becoming like work
- Women are quitting their jobs to stay home with their children
- Quality time is a lie
- Non-maternal care is dangerous for children.

TREND 1: WORK IS BECOMING LIKE FAMILY, FAMILY IS BECOMING LIKE WORK

Source. In her heavily publicized 1997 book, *The Time Bind*, Arlie Hochschild reports findings from a study of one Fortune 500 company that she calls Amerco. Hochschild interviewed 130 workers at one site but did not describe how she choose these workers, or whether they were representative of the Amerco workforce, or how she assessed any of the variables of interest to her. Her main thesis is that the workplace is now so inviting that workers are choosing to spend long hours there rather than at home — a place she views as chaotic and stressful. In other words, she sees a cultural reversal — work is now like home used to be.

She concludes that:

> *"We may be seeing here a **trend** in modern life destined to affect us all" (p.45, emphasis added).*

Close examination reveals that this

> *"reversal" was a "predominant pattern in about a fifth of Amerco families, and an important theme in over half of them" (p. 45).*

In other words, for about 20% of the 130 people she interviewed, or roughly 26 people, this undefined patten was predominant — meaning it was not predominant for fully 80% of her interviewees.

In supporting her thesis, she claims that Amerco workers weren't taking unpaid family leave even when they could afford it, and they weren't applying for flextime or job sharing.

Refutation

Recent large-scale studies of representative samples refute her findings.

1. In an analysis of three large representative data sets, Jerry Jacobs & Kathleen Gerson (1997) conclude:

   Contrary to the argument that workers are spending more time at work to avoid family time, we find that most employed men and women, and especially those who put in very long hours at work, would prefer to spend **less** time working and **more** time with their families and in personal pursuits (p. 7, emphasis added).
2. A study of a random sample of over 500 Ohio parents found that parents would rather spend time with their families than be at work and that they were most happy and fulfilled when at home (Maume, 1998). These parents overwhelmingly **rejected** the idea that work was a haven from the stresses of family life. Specifically, only 7% said they very or fairly often felt that they "want to go to work to escape life," whereas two thirds said they rarely or never felt this way.
3. With respect to the utilization of work options, Jacobs and Gerson (1997) conclude: The vast majority of workers who enjoy flexible work options use them, and many of those who do not have such flexible options available to them report that they would trade other benefits or would even change jobs to obtain such flexibility (p. 7).

Selected Media Coverage

In a U. S. News and World Report (May 12, 1997) cover story entitled, "Lies parents tell themselves about why they work," the authors cited Hochschild's *Time Bind* book three times. First, in support of their contention that parents are increasingly fleeing chaos at home for the comfort and order at the office. Second, that eligible employees are not using available work-family policies. And third, that women, like men, are learning that work can be a haven. In short, that there is a cultural reversal in how we view work and family.

TREND STORY 2: WOMEN ARE QUITTING THEIR JOBS TO STAY HOME WITH THEIR KIDS

Source

In a March 17, 1997 *Fortune Magazine* cover story entitled, "Are kids wrecking your career?", the author concluded that married women with children cannot make it at work and are dropping out. She based her conclusion on interviews with several high-powered couples in which most of the women were lawyers at top law firms who were married to other lawyers, also at top law firms.

Although the work-family dilemma faced by such fast-track couples is serious, it affects only the tiniest fraction of the labor force. In this rarefied work world in which very long hours are the rule and success is measured in terms of monomaniacal devotion to the firm, family life is bound to suffer even if just one member of a couple has made this kind of career choice. When both members are on such a career path, something has to give.

Predictably, this story gave rise to another **trend** story — namely that mothers are dropping out to rear their children. One small measure of how strongly this trend has taken hold is that I have been called at least once a week by reporters for the past several weeks who want to interview me for stories they are doing on this **trend**. When I ask them for the data forming the basis of this trend, they inevitably tell me that their editors want this story even though they themselves have not seen any such data.

Refutation

BLS. According to the U.S. Bureau of the Census (1992), the growth in employment among mothers of infants and toddlers shows no signs of stopping or reversing itself.

Selected Media Coverage

Local newspapers then began reporting on this trend. For example, the *Boston Globe* did several articles, one of which was entitled, "Homeward bound: Many are trading in long hours, little satisfaction for family time, peace of mind" (March 29, 1998). This article appeared prominently on the first page of the Business section.

This piece starts with the omnipresent woman lawyer at a top-flight law firm who quit to take care of her 20-month old son, whom she felt was being neglected. Commenting on this anecdote, the reporter notes that it reflects a small, but telling, cultural change.

Having set up this trend story, she then backs away from it and never returns. For example, in the 3rd paragraph, we read the following quote from a woman who was president of a Cambridge consulting firm that does diversity training for employers:

> *"Women tend to leave* ***not just because of children or the family****, but also because of an underlying dissatisfaction with the job" quoted by(emphasis added)*

The reporter goes on to say that the influx of women into the American work force continues to be one of the most far-reaching social developments of this century. And, for many women, professional and blue collar, quitting isn't an option. It is only an option for a privileged few whose spouses have high-paying jobs and can afford to underwrite their wives' decision to stop working.

Most importantly, when the reporter tells us the reasons the women gave her for quitting, staying home with neglected children was **NOT** one of them. Indeed, one of the women she spotlighted noted that when she quit she volunteered at the American Cancer Society, joined a women's group, became a lay minister at her church, visiting the sick and shut in.

Refutation

Loyola University's Linda Stroh and her colleagues (1996) studied reasons for turnover over a two-year period in a representative sample of 615 male and female managers from 20 Fortune 500 companies, all of whom had made a significant commitment to their own careers by relocating at least once for their current employer. Conversely, the companies had all made a significant commitment to the members of this sample, all of whom had been selected for relocation.

In this sample, female managers were no more likely to leave for family reasons than were the male managers. Indeed family ties produced greater stability, not less. Nor was inadequate pay a reason for turnover; in fact, the women were satisfied with their pay. Women's intentions to leave their employers were due to perceived lack of career opportunities within their organizations. They, like men, wanted to further their careers (p. 99).

TREND STORY 3:
QUALITY TIME IS A LIE

Source

In a recent *Newsweek* cover story (May 12, 1997), "The Myth of Quality Time", we are told that working parents who cannot spend **quantity** time with their children delude themselves into thinking that the little bit of time that they do have is just as good because it is **quality** time. In the hands of the media, this "delusion" becomes an excuse or a lie that parents tell themselves, knowing all the while that they don't give their kids enough time and that their kids are suffering as a result. Support for this argument comes largely from anecdotal evidence (primarily stories about overworked women lawyers with young children) and such quotes from *The Time Bind's* Arlie Hochschild as:

> *"Instead of nine hours a day with a child, we declare ourselves capable of getting the 'same result' with one, more intensely focused, total quality hour."*

Newsweek caricatures working parents and their effects on their children, as:

> *"Parents who race in the door at 7:30 P.M. and head straight for the fax machine are making it perfectly clear where their loyalties lie, and the kids are showing the scars."*

To buttress this picture, the article quotes several therapists who comment on these scars — the loss of self-esteem, apathy, and depression that they see in their young adolescent clients — problems the therapists attribute to lack of quality time. It is, of course, important to remember that these therapists work with a very small and highly select group of kids, namely those who are sufficiently upset to seek the help of a professional therapist. What about the rest of the teens?

Refutation

What is quality time? This term was coined by the psychologist Alison Clarke-Stewart to refer to a particularly tuned-in response some mothers and fathers have to their babies. For example, quality time is when parents are talking or singing to their babies, when they are quick to react to their baby's needs, and in general seem highly connected.

In a well-done study conducted at Pennsylvania State University — that was totally unacclaimed by the media — the researchers studied parental monitoring, which they defined as the degree to which parents communicate with their children, display interest in their kid's activities, and know about the child's whereabouts, plans, and activities: in short, how "tuned in" they are to their kids. In other words, this study looked at the core of the quality time construct.

152 families with children nine to 12 years of age were studied in depth. The families were fairly evenly divided between those with two parents working full-time, those with one full-time and one part-time employed spouse, and those with at-home mothers. The Pennsylvania State University Researchers (Crouter, MacDermid, McHale and Perry-Jenkins, 1990) found no difference in the levels of parental monitoring among the three groups of families. The working couples were as tuned into their children as those with one parent at home. In other words, they were getting the same result.

Apparently the fact that one group of mothers had considerably more time to spend with their children than the others was NOT the deciding factor. Other data are similar. Study after study shows no difference on any measure of child development between children of working mothers and those of at-home mothers.

TREND STORY 4: NON-MATERNAL CARE IS DANGEROUS FOR CHILDREN

Source

John Bowlby, a noted British psychiatrist, and Rene Spitze, a French psychoanalyst, studied children orphaned or abandoned by their parents during World War II and left in institutional care. Bowlby and Spitze, found that children who were "completely deprived of maternal care" (Bowlby, 1951, p. 16) and who were exposed to stark, uncaring environments showed serious developmental problems. The message of his work is that young children need attentive and reliable care and without it they suffer. No one disputes his conclusions.

In a disturbing and shocking cover story, the *New York Sunday Times Magazine* (May 29, 1998) claimed that the fate of eastern European orphans, warehoused in unbelievably horrible orphanges where they suffered the "extreme trauma of parental deprivation" had important lessons to teach us about "the more routine separations of parent and child" (p.1).

In this article, the early findings on attachment have been generalized unjustifiably to the situation of children of working parents, so that we now read that these children — who have loving parents, who are not abandoned, whose parents spend considerable time with them, and who often have multiple care takers — are at as great a risk for serious problems as were those poor, unfortunate orphans of WW II and the equally pathetic young children languishing today in eastern European orphanages. According to this high-profile cover story, when mothers go to work, the bonds of attachment are stretched to the snapping point.

In setting up her story, the author marries a legitimate concern about the care of these unfortunate orphans who, according to her, as infants lay in their cribs for 18 to 20 hours a day, curled against feeding bottles, their heads flattened and their faces peaked, with the care provided by American working mothers. To underscore her point, the text accompanying the listing in the Table of Contents reads as follows:

> *The traumatized orphans adopted from eastern Europe have not only brought despair to some American couples but have also become* ***Exhibit A for those who argue that a mother's place is with her child*** *(p.3). (Emphasis added.)*

According to the article,

> *"mother-child separations are part of the warp and woof of life these days, and so are our worries about them. The research on eastern European adoptees matters not only to them and their parents but also to*

> *mans of the rest of us as well"* (Talbot, NY Times Sunday Magazine, *May 24, 1998, p. 27*).

Refutation

Is it really true that working mothers put their children at risk when they leave them in non-maternal care during the work day? Fortunately, there are lots of data to answer this pressing question. Equally fortunately, the data overwhelmingly refute any such claim. Moreover, as I will show, this author and others who make similarly pejorative comparisons are aware of these data, but choose to distort them for the apparent scare value of their articles.

What are the data? In 1989, Lois Hoffman, a well-respected psychologist, reviewed over 50 years of research on the effects of non-maternal care on young children's emotional, social and cognitive development and found no significant negative effects. In her words

> *"neither previous nor current research has revealed clear differences between children in dual-wage and single-wage families...* (p. 283).

However, with the recent advent of infant care, questions have arisen about the effects of non-maternal care during a baby's earliest months. The major concern is that disruptions in regular maternal care would result in a weakening of the mother-child attachment, with potentially serious consequences for the later development of the child. To address this critical issue, the National Institute for Child Health and Human Development funded an ambitious multi-year study conducted at ten sites across the country and directed by 25 leading child psychologists. Roughly 1200 infant-mother pairs were recruited into the study at the infant's birth and will be followed until the children are 6 years old. This 45 million dollar study has already produced extremely important and startling findings, which have been almost totally ignored by the media.

What did they find? First, the infants were cared for in a variety of settings: some were cared for by their mothers, others by relatives, still others by non-relatives. All in all, the researchers distinguished five types of maternal and non-maternal child care. As I mentioned earlier, the main aim of the study was to assess the relationship between types of child care and the strength of the mother-child bond.

The first findings were presented in August, 1996 and reported data from the first 14 months of life.

As can be seen in Table 1, there is absolutely no relationship between type of maternal care and strength of the mother-child attachment.

These findings are hard to believe, given all the media hype. The truth is that the key factor accounting for the mother-child bond is the mother's responsiveness. Mothers who are responsive have strong attachments to their infants, mothers who are not responsive do not. After taking into account this critical factor, the amount and kind of child care has little effect on attachment.

SECURE/INSECURE ANALYSES
Type of Care at 5 and 14 Months
Proportion Secure

	5 mos	14 mos
Mother	62	61
Father	59	62
Relative	59	56
In-home Non-Relative	62	59
Child-Care Home	65	63
Child-Care Center	66	70

Thus, in contrast to the scare stories, responsive mothers who work full-time and whose infants are in full-time non-maternal care form as secure attachments to their infants as do responsive mothers who stay at home.

NICHD STUDY: SUMMARY OF RESULTS

1153 infants
Nationwide — 10 sites

- Child-care features were unrelated to attachment security or to insecure avoidance specifically.
- Low-quality child care, unstable care, and more than minimal hours in care were each related to increased rates of insecurity when mothers were relatively insensitive.

With these findings as background, let us go back to the *NY Times Sunday Magazine* cover story and to the previously mentioned *U.S. News and World Report* cover story on the lies parents tell their children, to see how these authors treat the NICHD data.

After her guilt-inducing lead and after even more anecdotes about the traumatic effects on children who were reared in orphanages, the author of the Times Magazine article finally discusses the NICHD study. She correctly states

> *"that while there are some negative effects of child care, "they are quite small — statistical flutters."*

And she again correctly quotes the findings, namely

> *"there were not significant differences in attachment security related to child care participation."*

Even when children were in day care for especially long hours, or at especially early ages, even if they were in "unstable, or poor-quality care," they were no more likely to be insecurely attached to their mothers.

The study did find, however, that children were somewhat more likely to be insecurely attached if they had mothers whose own care was deemed to be insensitive and if they were also in poor-quality or unstable child-care arrangements. In other words, no feature of child care by itself predicted insecurity, but in combination with certain parental shortcomings it might (p. 60).

Rather than refute her original thesis, however, the author takes us back to her scare story by means of the following segue: "However small such effects might be, it may not do to ignore them."

Thus, just as this article began with the frightening marriage of these disparate stories — one justifiably upsetting, the other a guilt-inducing distortion of available data — so to does the story end.

Finally, the *U.S. News and World Report* coverage of the same NICHD data is even more disturbing. In this version, the only facts we are presented are those about the small fraction of unresponsive mothers who put their children into poor-quality care and as a result form insecure attachments. The vast majority of mothers who are responsive, who use child care, and who form secure attachments are totally ignored. Here is how the author puts it:

According to initial results, in cases where the mother-child relationship is already weak, placing a child in day care as an infant for more than 10 hours a week — especially poor-quality day care — can do real damage. The researchers found that such children were "insecurely attached" to their mothers at 12 months of age" (p. 60).

Having dismissed in this cavalier way the NICHD study and its important positive message for working mothers, the author of this highly biased account goes on to report that numerous studies have shown that this weaker bond puts kids at risk for later behavior problems, including such dire consequences as over-aggressiveness, disobedience, and an inability to learn in school or to feel compassion for others. Knowing full well the real significance of the NICHD finding, he casts his interpretation to fit the scare-story line of his article.

CONCLUSION

Having reviewed these four examples, what have we learned about trend stories? In a word, they are dangerous to working families. Sometimes bad science is touted endlessly to fit a particular agenda, sometimes good science is distorted beyond recognition for the same end. In either instance, trend stories are too often long on anecdote, short on context, and carefully tailored to fit the "bad news" cover line.

The real stories, that get little or no attention, are:

- More parents would opt to take advantage of family-friendly work options if they could be reassured that they would not be penalized for so doing.

- We need to create alternatives to the current 70-hours-a-week-or-quit options that confront many highly-educated professional men and women.
- When children and their parents want to communicate with one another, they find the time - - and equally clearly, it is not a matter of spending nine hours a day, but rather of showing interest and really caring.
- The key to secure parent-child attachment is parental responsiveness, a characteristic shared by many women and men, whether they work or not. A non-responsive mother who stays at home is unlikely to be "tuned in" even if she spends nine hours a day with her child.

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DOES SUCCESS AT WORK COMPETE WITH SUCCESS AT HOME?

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ABSTRACT

Using data from the 1992 National Study of the Changing Workforce, we examine married workers' self-perceptions of success at work, at home, and in balancing the two. Most workers fall into one of four success types: "strugglers" (low on success at work, at home, and at balancing), "nesters" (high only on success at home), "high flyers" (high on success at home and at work, low on balancing), and "winners" (high on all success measures). With the exception of the "nesters," success in one domain is not bought at the expense of the other. Long work hours, high job demands, and the absence of supervisor support are negatively related to overall success. Public and private sector policies can promote success by restructuring career paths and reducing work time expectations and obligation.

INTRODUCTION

The popular literature frequently portrays the conflicting nature of work and family obligations. For example, a recent cover of *Fortune* magazine (March 17, 1997) posed the question: "Is Your Family Wrecking Your Career?" The case examples in the *Fortune* article (Morris 1997) suggested the answer was definitely "yes." This is not surprising, given that work and family are what Coser (1974) described as "greedy" institutions, requiring high amounts of time, energy, and emotional investment. Correspondingly, does success at home accompany, and possibly compensate for, the absence of success at work? Or do feelings of successfulness (or other characteristics) in either domain spill over into the other?

The Significance of Gender

Gender as a "master status" (Merton 1968; Ridgeway and Walker 1994) shapes both the opportunity for and the experience of success in various domains. This is especially true in the case of work and family roles. In the middle of the 20th century the "solution" to potential work/family conflicts was, for those who could afford it, one spouse (typically the wife) serving as a full-time homemaker. This freed the other spouse (typically the husband) to concentrate on becoming successful at work. In fact, advanced industrial societies have traditionally operated on the premise that wives and mothers would do the domestic labor of society in order to free husbands and fathers to work (and achieve success) in the paid economy. Today, however, most married workers, regardless of gender, have an employed spouse (Moen 1992). This means that both husbands and wives are increasingly having to cope with the demands of their families, their jobs, and their spouses' jobs.

The traditional gendered division of labor persists even when both spouses work outside the home, with women still responsible for most domestic chores and timetables (Barnett and Rivers 1996; Gerson 1985; Hertz 1986; Hochschild 1989, 1997), and still less rewarded in terms of income or status in the workplace (Reskin and Padavic 1994). We would anticipate, therefore, that more working women than working men will tend to see themselves as less successful overall: at work, at home, and in balancing the two. Moreover, women's success at home is apt to conflict with their success at work, given cultural norms about the primacy of their domestic obligations. Men, on the other hand, frequently continue in their traditional role as primary breadwinner (Corrigall 1997). Consequently, men's success at work might be expected to spill over into success in their personal and family lives. This may especially be the case for men in prestigious and well-paying jobs; success at work translates into status and purchasing power for the household. Employed men may also be more highly invested in their jobs than are employed women, given the salience of their career identities (Simon 1992), and may see their success at work intertwined with their success at home. By contrast, due to their location in frequently less rewarding "female" occupations (Reskin and Padavic 1994) and the fact that they continue to invest fewer hours on the job and more hours on domestic work than do men, employed women may look to their families as a source of achievement and success.

We would expect gender differences in men's and women's interpretation of success in various domains, with employed men more apt than employed women to feel successful at work, at home, and in balancing both. For men, we hypothesize that feeling successful at work will spill over into their sense of success in their private lives. By contrast, we expect that women achieve and interpret success at work as at the expense of their success in their family role (or vice versa), making it more difficult for women than men to feel "successful" in both domains.

The Significance of Occupational Context

Occupation is also a "master status" coloring virtually every aspect of contemporary life, private as well as public. Individuals who are managers or professionals should be better off not only objectively (in terms of income and other resources) but also subjectively, seeing themselves as successful at home, at work, and in balancing both. By contrast, those in service, production or clerical work might feel less successful in all domains.

The Significance of Life Stage

A life course focus raises the issue of continuity and change over time (Elder, George and Shanahan 1996). Are employed men and women more likely to feel successful in their jobs, their families, and at balancing both at particular points in their lives?

We would anticipate that the greatest overload and, hence, the least success would occur *for those raising preschool children*. It is in this period that demands are most apt to outstrip resources (whether the resources are time or money) on the home front, and the demands of building a career and/or achieving job security are greatest. We expect that life stage (e.g. having young children in the home), gender, and occupation (e.g. occupations with more demands and rewards) will influence individuals' interpretations of their own success at work and in their personal lives. But age (or life stage) cannot be considered separately from gender (Moen 1996). Men and women in their twenties may be similar in their sense of success in work and personal domains, but this is apt to diverge with age, as their experiences, choices, and opportunities in the work place and in their private lives follow distinctively gendered paths.

THE NATURE OF SUCCESS

While "success" is frequently discussed in terms of occupational attainment, it is less commonly applied to families. Success at work, at home and at balancing both could all be mutually reinforcing, reflecting general sense of spillover across domains. Barnett and Rivers (1996) used the term "dynamic interaction" to depict work and family spillover in their study of full-time employed two-earner couples. They found that men's and women's work and family lives were "like a spider's interconnected web: a tug that occurs at one section of the web sends vibrations throughout it" (p.53). Barnett and Rivers' findings suggest that the boundaries between work and family have become blurred for workers, regardless of gender.

GENDER AND LIFE STAGE

Workers at different life stages have different skills, different responsibilities, different resources and opportunities, different prospects for the future. They can be expected, therefore, to also have different assessments of success. For example, employees just beginning to *anticipate* their work and family "careers" (those ages 20 to 30), may be investing a great deal of time and energy into preparing for occupational achievement, but feel "successful" in neither work not personal/family domains. Those in the *launching* stage (e.g. married, with young children in the home, ages 25 to 39), who are working hard at building their jobs and their personal lives, are apt to feel the most strained and the least successful, given the time demands at work and at home. Similarly those in the *establishment* phase (e.g. ages 35-54 with children ages 6 to 18) may feel more successful at work but less so at home, as the raising of school aged children and adolescents continues to require an investment of time, energy, and attention. Cournoyer and Mahalik (1995), for example, found that, compared with college-aged men, middle-aged men (averaging 41 years of age) were less conflicted about occupational success, but were more conflicted about combining work and family responsibilities. Those in the *shifting gears* stage (e.g. ages 50-65 whose children are grown and no longer living at home) are often at the height of their earning capacity and also looking toward retirement, second (or third) careers, or some combination of both. With few domestic demands and more stable (or even declining) job demands, they may well experience a heightened sense of control, with resources meeting or exceeding needs.

METHOD

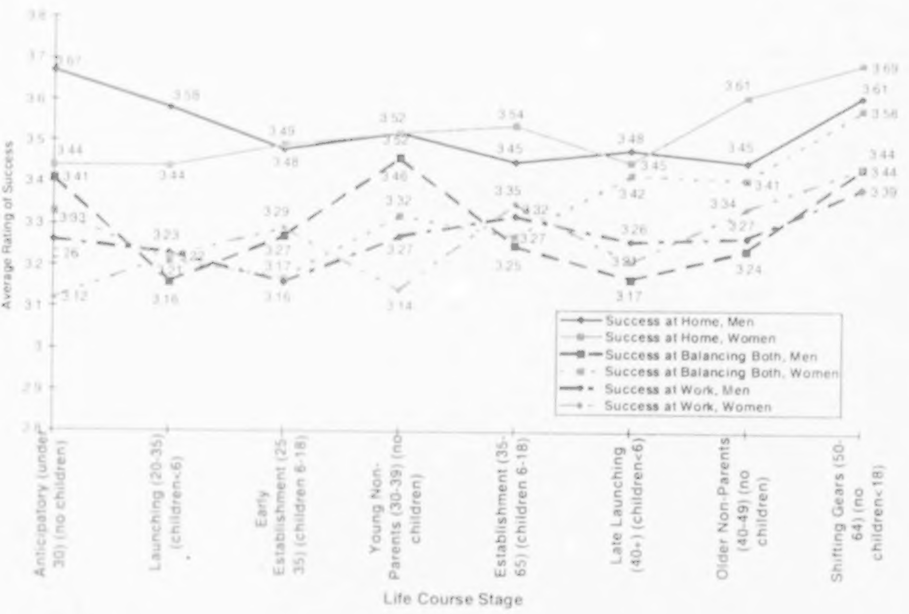
We employ survey data from the 1992 National Study of the Changing Workforce (Galinsky, Bond and Friedman 1993) as well as qualitative data from focus groups and in-depth interviews conducted by the Cornell Employment and Family Careers Institute to examine employees' subjective interpretations of their success at work, at home, and in balancing both over various life course stages. We constructed eight life-course stages (N=2290)[1] among married workers: *anticipatory* (age under 30, no children [n=176]); *launching* (ages 20 to 39, children younger than 6 [n=501]); *early establishment* (ages 25-35, children ages 6 to 18 [n=127]); *young non-parents* (ages 30 to 39 [n=157]); *establishment* (ages 35 to 54, children ages 6 to 18 [n=597]); *late launching* (ages 40 or older, children younger than 6 [n=105]); *older non-parents* (ages 40 to 49 [n=253]); and *shifting gears* (ages 50 to 64, no children at home [n=352]. We use analysis of variance and cluster analytic techniques.

RESULTS

Occupational Level and Success

Looking at the entire sample of employees, we see that employed married men and women across different occupational levels vary considerably in their interpretations of being successful at work, but not in their success at home or in successfully balancing the work/home aspects of their lives. Those in manual or service jobs, regardless of gender, feel the least successful at work (with the exception of the few female farmers in the sample). But we find *no* significant differences by occupational level in sense of successfulness in family/personal life. Most working men and women feel reasonably successful in their personal/family lives, regardless of the type of work they do. At every occupational level men and women tend to report more successful in their personal/family lives than in their work lives. Moreover, there is no systematic difference by occupational level in success in balancing work and family, and workers in all occupations tend to feel less successful at the *balancing* of work and family roles than they do in their family/personal lives. These findings underscore the fact that feeling successful is not a unitary phenomenon; not only is success at work only moderately correlated with success at home and at balancing both, but these forms of success are distributed differently across segments of the workforce.

Figure 1. Average Rating of Married Workers' Success at Work[1], at Home[2], and at Balancing Both[3], by Life Stage and Gender, 1992



[1] Life stage difference: p=.000
[2] Life stage difference: p=.01; life stage difference by gender: p=.001
[3] Life stage difference: p=.000; life stage difference by gender: p=.044

Source: National Study of the Changing Workforce, 1992

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Table 1. Four Patterns of Work/Family Success

	Success at . . .		
	Work	Home	Balancing
Strugglers	–	–	–
Nesters	–	+	–
High Flyers	+	+	–
Winners	+	+	+

– = low ratings

+ = high ratings

Gender, Life Stage, and Success

As expected, we find differences in ratings of successfulness over the life course. Graphing success at work, at home, and at balancing both (see Figure 1) illustrates various trends. Men and women in the *shifting gears* stage rate themselves highest in terms of success at work, suggesting some age-related advances in effectiveness. Gender is *not* related to self perceptions of success (but gender differences in self-perceptions of success at home and at balancing both emerge over the life course). As hypothesized, married workers in the *launching* stage (as well as women in the *early establishment* stage) find balancing work and family responsibilities problematic, reporting the least success at such balancing. Among those in the *shifting gears* life stage, women report being significantly more successful at home and in the balancing of their work/family obligations, compared to the men at this stage. For example, we interviewed a 52-year-old man who works as a quality insurance manager at a major (Fortune 500) corporation who defines life as "more simple" at this *shifting gears* stage, compared to when he and his wife were raising young children. "It became a challenge if I had to work late, and she (my wife) was scheduled to work at night." The material from qualitative interviews as well as the data in Figure 1 underscore that having preschool children while at the same time having to invest in their occupational careers clearly takes its toll for married workers. This again conforms to the notion of control cycles, with the *launching* phase a time of demands far exceeding resources.

To gain a deeper understanding of success perceptions, we draw on hierarchical cluster analytic techniques (Aldenderfer and Blashfield 1984) to assess whether the respondents in our sample fall into any meaningful typology based on their self-perception configurations of success at work, at home, and at balancing both. Excluding those self-perceptions given by fewer than six percent of the sample, we found four identifiable groups or clusters (Table 1).

Table 2 presents the profiles of married workers in these clusters: those reporting low success overall, high family/personal life success only, high work and home success only, and high success overall. For convenience we have labeled the four clusters as follows: the "strugglers", the "nesters", the "high flyers", and the "winners". The high flyers are those high on success at work and at home, but not in balancing the two. Their success may be somewhat precarious. By contrast, the winners see themselves as successful at home, at work, and in balancing roles.

The evidence from the cluster analysis supports the notion that success at work does *not* compete with success at home. Our results (Table 2) show that about two out of five married workers see themselves highly successful in all three domains (the winners). What is most distinctive about this "have it all" group is that they report the fewest hours on the job (45 hours per week for men, 38 for women). Note also that they do not report the highest earnings. Married workers in this cluster are the success stories, managing to balance their multiple roles in ways they feel good about. They report the greatest sense of control in terms of high coping/mastery, low stress symptoms, high finance to need adequacy and the most satisfaction with their work hours (two out of five are working the hours they would like).

The most interesting group are the high flyers, reporting high levels of success at work and at home but low levels of balancing the work/family interface. These are the people trying to have it all, but not able to juggle successfully. They are disproportionately professionals or managers. These high flyers report the highest earnings, the longest hours on the job, the strongest work ethic, the highest job initiative, and the greatest job autonomy. But two out of three of workers in this cluster would like to work fewer hours than they do.

Cluster #2 are the nesters, those who seem to be trading off success on the job for success at home. Workers in this cluster are some what younger (average age 38 compared to about 42 for cluster #4, the winners). Overall, the nesters have the lowest tenure with their employer and report high job demands, low autonomy, and low supervisor support. The men in this category report the lowest earnings and over

Table 2. Success Profiles of Married Workers

	Strugglers	*Nesters*	*High-Flyers*	*Winners*
Average Age	40	38	41	42
No Children				+
Children Under 6		+		
Establishment Stage	+		+	
Shifting Gears Stage		-		+
Professionals/Managers			+	
Years with Employer		-	+	
Earnings		-	+	
Work Hours			+	-
Job Demands		+	+	-
Job Autonomy	-		+	
Supervisor Support	-	-	+	+
Work Ethic			+	
Job Flexibility	-		+	
Job Initiative			+	
Household Income	-	-	+	
Nonemployed Spouse			+	
Professional Spouse	-	+	+	
Coping Mastery	-			+
Perceived Financial Needs	-			
Stress Symptoms	+			-
Prefer to Work Less		+	+	
Satisfied with Work Hours				+

BEST COPY AVAILABLE

one in three have a preschooler at home.

Cluster #1, those reporting low success overall (the strugglers), also report the lowest levels of coping/mastery and the most stress symptoms. They are less likely than workers in other clusters to be professionals or managers, or to be married to professionals or managers. Surprisingly, their earnings level does not distinguish the strugglers (cluster #1 low success overall) from the winners (cluster #4 high success overall); in fact, the married men in this cluster report slightly higher earnings that those in cluster #4. They also put in an average about two hours more per week on the job. Married workers in this cluster are the most likely to be caregiving for an aging or infirm relative (11% of the men, 12.5% of the women).

IMPLICATIONS FOR POLICY AND PRACTICE

Wage and hour laws along with corporate policies emphasize time at work over work performance. The fact that we find time spent at work to be positively related to both men's and women's feelings of success at work underscores the way work hours are seen as tangible manifestations of individuals' dedication to their jobs. The measure of work commitment included in our multivariate models (whether a person would continue to work for pay even if they could afford not to) is a rough gauge of commitment to being in the work force. Working long hours is part of societal and employer's definition of working hard (a strong work ethic) signal commitment to the job and the employer. This reflects American society's value of individual accomplishment through hard work, and the corporate culture equating work time with productivity. It also helps to explain why few employees are likely to take advantage of reduced work hours or other alternative work arrangements. These options are not incorporated into the organization of work. They remain "options," not institutionalized patterns, and as such are interpreted as antithetical to occupational success. The way time is socially constructed by the bureaucracies of the state and the market remains a fundamental issue in considering strategies to facilitate success both at work and at home (see Table 3).

Table 3. Public and Private Sector Policy Implications

• Time at work is used as a performance (and success) measure	Need to encourage the use of output and achievements as a measure of performance and success at work
• Work Hours are negatively related to success at home and to balancing	Need to restructure work hour expectations and requirements
• Supervisor Support promotes overall success	Need to foster a supportive environment by supervisor training and incentives
• Workers typically are raising young children at the same time they are building their careers	Need to extend the time to climb career ladders
	Need to provide alternative career paths

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WELFARE REFORM, CARE-TAKING AND SELF-SUFFICIENCY: THE VIEW FROM IOWA WOMEN'S LIVES.

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This paper on mothering is organized around two case-studies of poor white single mothers' care-taking work from the perspectives of women themselves. It is drawn from an ongoing qualitative study of Iowa's welfare reform. The first case-study examines the intensified maternal responsibility created by the cut of SSI for a disabled child. The second examines the kin-work demanded of a mother who has turned to her parents for protection and support. In presenting these different case-studies we want to highlight the variability in the "actual work processes" (Smith and Griffith 1990) that poor single mothers carry out and the implications for thinking through the new welfare reform.

We intend this paper to interrupt the dominant political rhetoric around welfare reform which constructs which poor single mothers as symbols of neglectful motherhood. It is in this climate of censure and blame that a work-participation requirement is institutionalized in the new welfare regulations. In this new legal mandate, mothers are stripped of their discretion to determine their family's needs and their own responses to them. In a remarkably bold formulation of the control of poor single women, the new welfare law regulates and "negates" (Mink) women's mothering labor. Historian Gwendolyn Mink characterizes the new work requirements: "The negation of care-giving by single mothers is the cardinal achievement of the new welfare law" (1998, p. 108). Ann, currently in JTPA, feels the message she gets from her jobs counselor is "get off ADC and you can see your kids all you want."

This legal obligation that poor single women work in the labor force has engendered only minimal debate among analysts of welfare, even among liberal critics of welfare reform. Criticisms of work requirements highlight the absence of job opportunities, the lack of adequate training, the threats of work-fare to other low-income workers, and the lack of child-care. These arguments do not challenge the idea that poor mothers should be compelled to seek work outside the home. Again, quoting Mink, "except for welfare rights activists and a handful of feminists, no one has defended poor mothers' rights to raise their children" (p. 128).

Paid child-care is not the full solution either because mothering involves more than child-tending. Poor single mothers encounter situations that a paid child-care worker may not be adequate to manage and are compelled to undertake responsibilities that most middle-class women could not imagine. First, everyday tasks, from going to the doctor to ensuring safe housing, are made more difficult by poverty (Schnitzer 1996). As clinical psychologist Phoebe Schnitzer describes it: "There is no overestimating the depletion of time, energy and spirit involved in managing health, cleanliness, safety and the search for a way out if you are poor" (1996, p. 574; see also Rank 1994, Berrick 1995, Davis 1995). Second, as we see in the case of Dena below, relying on extended family may help mothers with everyday survival in child-raising but also raises new responsibilities in relations to extended kin. Third, new welfare regulations make new demands on women's mothering. As Diane's life-story demonstrates, poor women's mothering strategies must be fluid enough to accommodate the whims of changing welfare policies.

Diane Lakely: Losing SSI Benefits

The tightened eligibility for supplemental security income for poor disabled children has been a relatively invisible aspect of the recent welfare reform, although the welfare act rendered ineligible many of those children currently receiving SSI cash assistance. In Iowa, close to 75 percent of all children's cases that were reviewed under the new guidelines have had their SSI benefits denied, one of the highest termination rates in the country (Children's Defense Fund 1997). Iowa has also had one of the deepest cuts in cash assistance to the poor in the country over the past three years: in September 1997 the number of welfare cases was at a twenty-year low (Salemy 1997).

Diane Lakely's situation illustrates the new pressures that this cut in benefits demands of mothers. Her narrative speaks to the contradiction between the ethic of work in Iowa's welfare reform and the expanded child-caring responsibilities that mothers of disabled children will face as their benefits are cut. In many respects, Diane's story resembles many poor single mothers' experiences. Escaping an abusive marriage she moved to Iowa, where her brother lived at the time. Since then, her brother has moved and she is left with no relatives nearby. And because of child-raising responsibilities, lack of child-care, and good transportation, she has had to resort to Iowa's welfare (FIP). She is taking one class at the community college in school.

Diane currently lives with her three children, aged 8, 10, and 13 and receives FIP, subsidized housing, and SSDI for own her legal blindness. Diane had received $484.00 SSI cash assistance since her son Daryl was diagnosed two years ago with "conduct disorder with oppositional defiance disorder." This cash assistance constituted approximately one-third of the family's income. In September of 1997 the assistance was terminated. Diane has appealed the decision.

The perspective of this paper is that mothering involves women in managing the resources and demands of institutions beyond the household: it is activity directed both to the child and "to the institutional relations in which the family is embedded" (Smith and Griffith 1990 p. 87). All mothers situate their practices in relation to the demands, deficiencies, and opportunities of the immediate social milieu. And it is here, in their relation to resources, that we can identify the work of mothering to encounter and absorb the changes in welfare benefits. Diane's relationship to the school is illustrative:

Daryl was constantly getting into fights in school and, in Diane's words, "he can't handle being at school full-time. [He gets] upset at little things." The police were finally called in after he was involved in a fight with another student, and although the charges were eventually dropped to misdemeanor status, Diane felt that she needed to provide some home-schooling. She instituted a "dual enrollment" program, where Daryl goes to school for science and reading and she organizes his lessons at home in math, english, language arts and computer. Daryl is "more relaxed" than when he was in school full-time; "his counselor sees a lot of improvement. He's halfway decent to be around." Diane uses some of the SSI money for this home schooling, taking him on field trips, buying resources, etc. To help in her home-schooling work, Diane "fought for six months" to line Daryl up with the big brother program.

Whatever stability Diane managed to create for her son in his relation to the school is threatened with the loss of SSI funding. First, she used SSI funding for purchasing learning materials and for various field trips. Second, the loss of SSI will make Diane's paid work a necessity, which also strips Diane of the resource of time which she has determined is so essential to her son's improvement. Yet establishing and maintaining a work-life is made even more difficult with the loss of SSI. As she reports, "I used to love to work" [but now] am "afraid to get a job because I don't want to send him back into the same situation, the school, with people who run around. I keep him out of trouble." Her anger at the SSI termination speaks to the new responsibilities that this change creates. "They change laws and they say now you're not eligible. They don't tell you why. What is it that I'm supposed to do to tell them my son is still disabled. He'll never be able to get a full-time job." The redefinition of disability put forth by the social security administration is utterly disconnected to the practical problems that Daryl's disability raises for his mother. In the new guidelines, Daryl is not disabled. In Diane's work as a mother, Daryl is as disabled as ever, in large part because his needs require very specific kinds of mothering tasks. It is up to Diane to smooth over these contradictions between the new requirements and her son's well-being.

Rather than move in the direction of expanded resources for mothering, the welfare system has rendered Diane exclusively responsible for her son. With a tutor and more big brother intervention Diane feels she could probably get off FIP.

> *"They could do what I'm doing while I'm at work. I don't want to give up on my education. In the long run it's going to help [the children] out."*

But without those resources and with diminished cash assistance, Diane finds herself sitting at the contradictions created by the new cut in welfare benefits, being compelled to seek work (in this case because of the loss of SSI) but fearful of the threat to her son's well-being that will develop as a result.

Dena's solution to the problem of poverty and child-raising is to turn to her extended kin. It is her kin-work that we now examine.

Dena: Returning Home

Dena did not want to return to her parent's house to live. She did not want to be on public assistance after a fairly consistent work history since she left school when she was 16. Now 27 years old with a 10 year old son Brandon and a 5 year old daughter Alicia, Dena went to live with her parents to escape the violence of her husband Darren.

Pregnant when she was 16 by a forty-two year old man, Dena dropped out of school, severed relationships with her son's father, and soon married Darren who started doing crank and methamphetamine. When they decided to have a baby, Dena stopped doing drugs, but Darren continued and increased his usage.

After Alicia was born, Darren did more and more drugs, left his job as a carpenter, started sleeping with other women, and in Dena's words, started "smacking" her. He also began to be mean to Brandon, neglecting him when Dena was at work at night, and telling him that Alicia was his baby and he was not. Dena realized that Darren's neglect of Brandon, Darren's overt preference for Alicia over Brandon, and Darren's violence against her was so damaging to Brandon that she took him to live with her parents. Finally, just before Alicia was a year old Darren abandoned them and Dena and Alicia and also went to live with her parents and Brandon. Darren is currently in prison for drug dealing but will be released in a few months, a problem I will discuss more below.

Dena works part-time for minimum wage at a drug store at night, attends GED classes in the morning, and in the afternoons, attends a voluntary education program to help welfare mothers become "work ready." When this class is over, she plans to attend a health care training class at the local community college.

Mother work for Dena includes careful negotiations with her parents and with the fathers of her children, what Laura Balbo identifies as the invisible emotional service work that mothers do. Emotional service work includes "being there to wait, to listen, to respond, to attend to the needs and desires of others; to worry when difficulties are anticipated; to deal with one's own sense of guilt when problems are not successfully resolved" (p. 53). For Dena, this emotional service work of mothering is part of the routine kin-work (Dileonardo) she has to carry out in her particular situation.

A large part of Dena's emotional work revolves around negotiating her role as Brandon's mother, a role that Dena feels was compromised, if not damaged when she sent Brandon to live with her parents.

> *When I sent him to be with my mom and dad, Brandon thought I was choosing Darren over him, which in all reality, probably was the case. I felt that if I was going to stay there and be dumb enough to get beat up, that my child was not going to sit there and watch it. But Brandon doesn't see it that way. Brandon sees it as, my mom got slapped and she chose to stay with the guy that slapped her and get rid of me. Now I have a problem with trying to get close to him. Now that he is 10, he remembers all that stuff. And he thinks, well, if I get close to my mom, she might leave me again. And I tell him, I'm not going to leave; if I go, you are going with me.*

Brandon's fears of being abandoned by Dena, when combined with the closeness he feels toward his grandparents, often creates a difficult emotional situation for Dena to negotiate. The situation is exacerbated by Brandon's Attention Deficit Syndrome and his manifestations of anger through discipline problems. For her mother, Brandon is, as Dena explains, "johnny on the spot when she asks him to do something." But when she asks him to do something or disciplines him, he responds, "'why don't you just kiss my butt—I'm not your kid." He tells her he hates her and asks her why she has to be his mother. Further, to make matters worse, she and her parents often have "conflicts over who actually disciplines the children. I'll say, 'no you can't do this' to Brandon, and they so, 'oh but' and I have to say 'no buts—he can't do this.'" For Dena, who has been estranged from her father since she was fourteen, working through the conflict over who disciplines Brandon has been an emotional challenge. As a family, they have started to attend family therapy. The therapy is supposed to help Brandon, but as Dena explained, "it helps us all since we all live together we need to get along." Through the family therapy her father especially has learned to be more supportive of Dena's role as a mother and so, even though they face ongoing conflicts, Dena is deeply grateful to them and appreciates her parents' help with Brandon.

Dena's concerns about Alicia and the kin work she has to negotiate around Alicia's care are quite different from her concerns and kin work for Brandon. Because Alicia's father Darren is in prison, it has posed special problems for her to deal with, such as what role Darren will play in Alicia's life. While she broke off all contact with Brandon's father when she found out she was pregnant and only recently made contact with him to get child support and help with her son, she has tried to maintain contact with Darren even while he has been in prison. She did this for a number of reasons: she thought that "every child needs a father" and Alicia wanted to see him, she wanted to help him and lift Darren's spirits, and she wanted to show Darren that she did not want to keep his daughter from him. But the reality of it is that Dena lives in fear that he will come out of prison and "snatch" Alicia. She is also afraid for herself.

> *I'm starting to have nightmares about the thought of him getting out. I dreamed he was choking me, and I woke up and I had the blankets all wrapped around my neck. I can't believe, oh my God, that I'm starting to have nightmares again now that I know he's coming out.*

For Dena, who lives with these fears for herself and her daughter, her parents' home is a safe haven for her. Although she would love to escape the conflicts they have, to have her autonomy as a mother, and to have a more adult lifestyle, her desire to live in relative safety exceeds all her other desires.

As Dean's case suggests, mother-work is a complex combination of negotiating relationships and doing difficult emotional service work. But for Dena, such negotiations and work are all part of achieving her goal of getting a good job and being able to provide for herself and her children "without a man."

While our work is still in its early stages, our fieldwork among welfare recipients has reaffirmed for us the importance, as feminists have long agreed, of understanding women's daily lives from their perspectives — and for adding these to discussions of policy that affect their lives. This perspective demonstrates that the dominant discourses about mothers not only maintain the invisibility of the mothering that they do but also fail to recognize the modes of mothering that are outside middle-class idealized norms where mothering is an act of seamless unselfishness. We hope that our work will contribute to a greater understanding of mothering in poverty which, as Laura Balbo suggests, is best described in the language of

> *"patchwork quilting [as] the endless sorting out and putting together of available resources, the minute coping strategies, the overall aim of survival, and the imagination, ingenuity, and amount of work that these require."*

POVERTY & INCOME

REDEMPTION FROM DEPENDENCY:
HOMELESS SHELTER POLICY AND WHAT IT SAYS ABOUT WOMEN'S PROGRESS

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ABSTRACT

Rehabilitative work that mothers living in homeless shelters are encouraged to engage in can be viewed as representative of expectations for normative behavior for American mothers. I examine social policy guiding the structure of shelter programs in Westchester County, New York and find that rehabilitation work consists of three main types, all of which reflect the history and present unresolved status of women's relationship to dependency. These are: 1) Therapeutic labor aimed at the cessation of homeless mothers' habits of dependence, 2) skill building for more successful household dependency, and 3) training for self-sufficiency or replacement of state dependency with (independent) wage labor. Homeless women receive conflicting messages about these expectations and are offered few realistic methods by which to achieve them.

INTRODUCTION

In this work, I examine efforts to rehabilitate sheltered homeless mothers as an indicator of normative perceptions of how women should appropriately constitute themselves as societal participants. Public policy, as a product of behind-the-scenes political negotiation packaged for public consumption, must be closely linked to public consensus about appropriate social roles, rights and obligations. What is possible to package or negotiate politically is itself a product of historical processes, in this case, the history of women's normative economic and family roles in conjunction with societal visions about the treatment of the poor. In America, race is an always-present subtext in both these histories.

I have found the genealogy of dependency explicated by Fraser and Gordon (1994) a useful historical framework in which to analyze the processes which have led to this particular public policy for these very impoverished and disproportionately Black mothers. Because homeless mothers are not only gendered subjects but also hold marginalized social positions because of their class and race, an examination of the treatment of sheltered homeless mothers presents an opportunity to scrutinize perceptions of what lifestyle and behavioral choices are deemed appropriate for women "at the margins" of current American society.

A SHELTER POLICY OF "REHABILITATION WORK"

In approximately 85% of family homeless shelters around the country (Rossi 1994), including my study site of Westchester County, New York, the treatment of homeless families has taken on the following pattern. After appealing to a local welfare agency for emergency housing assistance, a family is assigned to a shelter. A period of extensive assessment follows, during which individual deficits and need for services for each member is determined and a client service plan is devised. Next follows a period of shelter stay when clients are expected to participate in some combination of substance abuse services, mental health services, parenting-skills training, life-skills training including budgeting and housework skills, and education and job-skills training. I refer to participation in these program elements as rehabilitation work. Finally, a family is declared "housing ready," a condition ideally followed by placement in a private apartment in the community.

Previously (Gerstel et al. 1996), my colleagues and I have discussed a scramble for resources model of policy making, where agency managers and other policy activists seek to amass resources that will lead to program stability and continuation. Particularly important to this process is integrating programmatic elements with reliable funding bases into the agency mandate. Although it is primarily the economics of institutional survival then that determine the broad outlines of the services provided in homeless shelters, it is the politics of gender dependency, I argue, that organizes their delivery.

Methods

I examined shelter policy and its effect on homeless families in a longitudinal study conducted in ten family shelters in Westchester County, New York, an urban and suburban county just north of New York City. Several of the shelters were national models and all came to offer a service program similar to one I have described. Aside from attending policy meetings and observing shelter operations for over three years, my group conducted a three-wave longitudinal survey of homeless parents. Almost all those becoming homeless in the county between from December 1991 to December 1994 (340 parents) were interviewed soon after their arrival at a shelter, about six months later and again at least a year after becoming homeless. I thus employ both individual and organization-level data in this analysis.

DEPENDENCY AND WOMEN

As Fraser and Gordon point out (1994), dependency as a normal status for men ended with feudalism and the rise of its replacement--wage labor. Women's relationship with dependency has had a different trajectory. The rise of wage labor--particularly, the attainment of a "family wage" for men, caused women's work of home-keeping and care-taking to be devalued as non-paid labor thus transforming women "from partners to parasites" (see, for example, Land 1980; Boydston 1991). Women, however, who lived as housewives and were the dependents of "independent" men had an acceptable position in society--a "good" dependency that Fraser and Gordon refer to as "household dependency." For widowed and deserted mothers, Aid to Families with Dependent Children (AFDC)--with its 'state as husband/father'--was invented to enable this good type of dependency to continue when a wage-earning man was not a part of the family.

Expectations for women's contribution to the family income have changed dramatically since the 1930's when AFDC was created. Women in two-parent families, however, still mostly contribute second, lower, incomes to the family budget. In part, this is the result of individual family choices that remain heavily influenced by gender norms--it is still primarily the women in two-parent families who work part-time or at low-commitment jobs so as to be more readily available for child care responsibilities. In part, however, economic opportunities have simply not emerged in the wage labor market that might allow the majority of women with young children to establish economic independence. Women's continuing lower average wages (still only 74% of men's on average), continuing primary responsibility for child care and housework (Hochschild 1989, 1997), and continuing lack of decent and affordable child care make economic self-sufficiency a daunting prospect for many mothers, particularly the poorly educated.

While poor and uneducated women's ability to access family wage jobs is constrained, they also face challenges accessing conventional positions of household dependency. Poor and working class women, especially, up until recently, the vast majority of Black women, historically had little ability to become "household dependents;" their male partner's wages simply were insufficient to sustain the conventional family wage lifestyle. Instead, they mostly worked in poorly paid jobs themselves and made ends meet by engaging in complex exchange relationships with extended family members and friends (Hill Collins 1991; Stack 1974, Valentine 1978, Jencks and Edin 1992). Historically then, poor Black women were rarely conventional "household dependents." Though working and middle class Black mothers temporarily had increased access to a role of household dependency during the middle of this century, recent economic restructuring combined with continuing economic segregation has severely limited the availability of the family-wage household pattern to today's poorly educated Black Americans (Wilson 1987; Massey and Denton 1993).

When neither wage labor nor household dependency proves an adequate mechanism through which to maintain themselves and their families, poor women resorted to AFDC.

Women's dependency then remains split between still somewhat acceptable "household dependency" and dependence on extra-familial charity, which has grown increasingly unacceptable as the legitimation of women's participation in the labor market has increased. As women, even mothers of young children, are reconstituted as workers, women's "right" to constitute themselves as dependents has become suspect (Ellwood, 1988). Because their position as legitimate household dependents has never been solidified in the same sense as middle-class or even poor white women's has, the dependence of poor Black women is particularly suspect.

DEPENDENCY AND SHELTER POLICY

The welfare state has not completely resolved its position on the dependence of women with children. As a result, policy regarding impoverished women and children as it is represented by the rehabilitation work assigned to homeless mothers vacillates between admonishing poor women to be better mothers and homemakers and instructing them to become wage workers all the while blaming them for their assumed habit of "welfare dependency."

I link the rehabilitative aims of shelter policy to three contradictory and historically grounded positions on women's dependence (Fraser and Gordon 1994). These three are: 1) Therapeutic labor aimed at the cessation of their habits of dependence, 2) skill building for more successful household dependency, and 3) training for self-sufficiency or replacement of state dependency with (independent) wage labor. These three types of rehabilitation work demanded of homeless mothers aptly reflect both the history of and the present unresolved status of women's relationship to dependency. I next discuss each program aim, the practices associated with it and the outcomes of those practices.

REHABILITATION FROM "HABITS OF DEPENDENCY"

Before dependency became associated in the public mind with recipients of public charity in the term "welfare dependency," dependency had already gained currency, starting in the early 1980's, as a substitute terminology for physical addiction to alcohol or drugs--as in chemical dependency (Fraser and Gordon, 1994, pp. 325). Psychological use of the term, such as in "dependent personality disorder" and, more recently, co-dependent--further broadened its use so that "dependency" is framed as a generalized pathology--and one that can be mitigated through re-socialization. Homeless mothers, all of whom suffered from "welfare dependency" by definition (as all homeless mothers had to be AFDC-eligible in order to access shelter), had in some sense been pre-diagnosed as needing to break with at least one habitual dependency.

The focus of the assessment of a newly homeless mother was on ascertaining her other potential "habits of dependency," particularly, her use of alcohol and other drugs. Though homeless mothers are not known to have any more troubles with chemical dependency than the poor in general, rates of dependency are thought to be high enough so that all incoming parents should be assessed first for this type of dependency. In one national model shelter 14% of mothers participated in treatment for chemical dependency while an additional 35% percent participated in related therapeutic services. In principle however, the flexible definition of dependency allows for any shelter resident to be defined as in need of such services. At the newest model shelter, run by a well-respected and long existent private non-profit organization, official sequencing of services mandated enrollment in this type of treatment, if a resident was diagnosed as needing it, as a prerequisite to obtaining any other service, such as education or job training.

Success at substance abuse moderation is notoriously difficult to measure. Neither our data nor client file data from the shelter sites could provide any clues about the impact of these programs. In the general population, 15% of those who receive treatment for chemical dependency are said to remain "in recovery"--non using--for one year. Only 14% of our respondents were enrolled in treatment programs; if this estimate holds for them, two or three individuals had their chemical dependency reduced through this element of the program structure.

The mental health counseling component of the habits of dependency program component was even more difficult to ascertain. We did collect measures of depression, which presumably would decrease were co-dependency behaviors eliminated or reduced. Depression, as measured by the Center for Epidemiological Studies- Depression scale scores, did change dramatically in some residents, however, an increase in depression was as likely as a decrease and both were unrelated to whether or not mental health services had been received by our respondents (Bogard et al., under review).

HOUSEHOLD DEPENDENCY TRAINING

Rehabilitation work given second priority by shelter programs is directed at making residents better housewives. Presumably this would make them available for positions of good, "household dependency" though neither residents nor social work personnel realistically expected marriage to provide a route out of homelessness. Nevertheless, many of the shelters had extensive programs concerning the two forms of labor typically engaged in by housewives, parenting and household management or "daily living skills." All families at the model shelter were enrolled in parenting classes (45%) or had been either formally (58%) or informally instructed in daily living skills. Housekeeping skills were checked up on by weekly room inspections by social workers. The newest model shelter program had cemented this regimen of daily living skills and parenting training into a second-place priority, available only to residents who are progressing towards reducing their habits of dependency.

Daily living skills training might seem a relevant subject matter if most homeless mothers were teens or young women who had never headed independent households. However, in Westchester County, the vast majority had headed, often with husbands, an independent household by the time they become literally homeless; indeed, at a median age of 29, most of these mothers had spent years performing the household tasks necessary to keeping a home and had spent years stretching low incomes to cover expenses.

About half (45%) of our respondents had been married, and 80% of our respondents had had at least one long-term live-in relationship with a man in their adult lives. A number of the women in this study had probably lived for a short time at least as traditional household dependents. The majority of our respondents, however, were chronically impoverished, and therefore had spent the majority of their adult lives holding down a series of low-wage jobs (93% had worked for pay), either with the help of their men or without or had depended on parents or other relatives for support. Most commonly, women had depended on AFDC, contributions from others and money earned from part-time work simultaneously for their meager livelihood. Given these histories, these women's chances of becoming a married household dependent for a substantial period of time were quite slim.

Although half of the mothers in our sample said they had a steady partner in their lives, only 20% of our sheltered sample consisted of either married or unmarried two-parent families. The proportion of women living in married or live-in couple situations actually decreased upon regaining an apartment. Mostly, this was because their largely unemployed male partners became more of an economic burden in an apartment than they had been while the family resided in the shelter. Because most of these chronically impoverished women had access to equally impoverished men as partners and husbands, household dependency training could not open an increased number of "good dependency" positions for these women.

SELF SUFFICIENCY TRAINING

Finally, homeless mothers were encouraged to engage in education and training programs, rehabilitative work aimed at making them economically self sufficient. Although self-sufficiency training was given priority in the mission statements of the model shelter programs, in fact, in the operations of model shelters, it was only given third-order priority, after dependency counseling and daily living skills and parenting training. In the newest shelter program, this three-tiered sequencing of services was made official policy, with the result that very few residents were eligible for enrollment in any education and job training (Schwartz, Bogard and McConnell 1995). At the model shelter where job and educational training were most readily available, most respondents completed an educational assessment (60%) and many enrolled in some remedial education program such as tutoring for the GED or basic math or English courses (26%). Fewer attended two-year college (10%) or were enrolled in a consistent technical training course (14%), even though half of our respondents were high school graduates and therefore potentially eligible for such programs. Very few homeless women (perhaps 15% at most at the model shelter, where the county's most intensive job training emphasis was, in other words, about 5-7% of the entire county population of homeless mothers) were receiving training for a job that paid high enough wages to support a family, even though 85% of these women would be single parents after returning to permanent housing. Instead, most of these mothers were being training for the "women's work" of child care worker, health aide or clerical assistant--jobs that function as a second income in middle-class families and jobs that in the main could not support a single woman and her children in Westchester County, even if inexpensive child care were available. Training in "self-sufficiency" remained mitigated by the larger unresolved issues surrounding working mothers and therefore rarely produced an adequate labor market response to the economic needs of homeless families. Even less emphasis was placed on actually obtaining a job. Only 10% reported receiving assistance in finding a job.

Rates of employment in the post-shelter period were abysmally low. Only 21% of those who have gone through the shelter program were employed even though, on average, our respondents had left the shelter for a private apartment nine months prior to our interview. This was an insignificant increase from the 17% who were working in the three months prior to their episode of homelessness. Of those currently employed, most were working in part-time, off-the-books jobs as a supplement to public assistance; only 2% were paying rent on a place independently. Efforts to move homeless mothers towards the wage-based independence typical of men, were profoundly ineffective.

CONCLUSION

Official policy organizing rehabilitative work at family homeless shelters consisted of three sequenced types of labor that closely followed the development of American dependency relations as they have been applied to women. These are, according to Fraser and Gordon (1994), an increasing belief in dependency as a individualized moral defect; the development of legitimized economic dependency for women as long as it was redeemed by non-paid housework and child caring labor in support of a wage-earning or salaried husband, and finally, an unresolved but growing redefinition of women, even mothers of young children, as workers or potential workers, who therefore have no assumed right to economic dependency. I found these three elements of the transformation of dependency relations reflected in the demands made on homeless mothers for rehabilitation work. The primary emphasis was on curing homeless women of their habits of dependency, a secondary emphasis could be categorized as encouraging the development of additional skills related to women's traditional work as a household dependent, and finally, the existence of an inadequately developed or emphasized training, education and jobs programs reflected the unresolved nature of women's relationship to wage labor and dependency.

Ironically, because prospects for work in the local economy remained bleak for many homeless mothers, eventually most received greater access to public funding for their families in the form of Section 8 housing certificates or placement in public housing. Other advocacy activities on the part of social work staff also enabled homeless women to have greater access to other public assistance programs such as WIC (Women, Infants and Children Nutritional Assistance Program). The most likely actual outcome of a stay at the model shelter then was to increase a homeless mother's access to dependency on the state.

Although the details may shift in the wake of AFDC recision, public policy aimed at impoverished women has seemingly embraced a "superwoman" model as a rehabilitative goal. These contradictory behavioral expectations, I conclude, form an articulation of the reconstituted feminine subject central to Hochschild's concept of "stalled revolution"-the results of which are made painfully evident in her latest work The Time Bind (1997). Unfortunately, many larger structures of society-such as housing and employment-have simply not changed as rapidly as perceptions of how women "should" behave. Until issues of dependency, wage equity and living arrangements are resolved with more attention to the conflicting demands on mothers time, many women will be subjected to contradictory and often overwhelming notions of how to construct ourselves.

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IN, OUT, AND ON THE EDGE: EARLY REACTIONS TO WISCONSIN'S WELFARE REFORM

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The Women and Poverty Public Education Initiative (WPPEI)— a group of academics, members of the poverty community, advocates, service providers, and others interested in poverty issues—has launched a series of state-wide qualitative research projects investigating the responses of women who are being impacted by "Wisconsin Works" (W-2), Wisconsin's sweeping welfare reform which became effective in every Wisconsin county in fall 1997. Findings from these projects—two comprehensive surveys conducted with over 1,000 women in eight different Wisconsin communities and a two-year in-depth interview study with 200 women in the same communities—will be presented and analyzed with an eye toward linking these findings to more generalized policy implications.

RESEARCH CONTEXT AND STUDY RATIONALE

The Women and Poverty Public Education Initiative (WPPEI) is a group of academic and other women in eight Wisconsin communities who are monitoring what is happening to women impacted by Wisconsin's new welfare reform, Wisconsin Works (W-2). Using a collaborative research model, WPPEI works in partnership with women in the poverty community to a) determine research agendas, b) design research approaches and instruments, and c) analyze and interpret data. WPPEI's research aims to document the women's experiences and bring their insights into policy debates, a perspective that has been missing from program development and debates in Wisconsin thus far (For examples of qualitative studies in other states see Berrick 1995; Edin and Lein, 1997; Rank, 1994; Schein, 1995).

WPPEI originated just as W-2—Wisconsin's plan to dramatically alter public assistance supports to former recipients of Aid to Children with Dependent Children (AFDC)— was being finalized. After several years of precursor programs that required women receiving welfare to work for their grants ("Pay for Performance") and to search for work before being added to the rolls ("Work First"), W-2 is now in effect in all Wisconsin counties. This new program mandates work for all who are not handicapped and whose children are older than 12 weeks. No grant adjustments are made for family size and education and training are no longer counted as an appropriate job activity.

W-2 is structured to provide for four levels in a "ladder" of work involvement—unsubsidized jobs, subsidized jobs, community service jobs, and transition placements for the difficult to employ. As the program was first introduced, it was expected that women would enter this "ladder" at their level of preparation for work, and gradually move up the levels until they reached the unsubsidized jobs position, when they would be fully employed in the labor force. Any person is eligible for only 24 months of participation during their life at any one level, and subject to the 5 year lifetime TANF limitation overall. When the program was created, it was expected that all levels of the "ladder" would be used by counties, but our research reveals that many women are being judged "work ready" and hence ineligible for any cash assistance whether or not they actually have a full-time job. Hence, the bottom three rungs on the "ladder" are not being used to the extent that was anticipated.

The Wisconsin approach to welfare reform has been heralded as one of the more innovative approaches for reducing dependency of families on public assistance. Consequently, the eyes of policy makers across the country appear to be focused on Wisconsin to learn if and how W-2 "works." They have already seen that on the surface W-2 appears to be effective in reducing participation rates. According to one of the numerous newspaper articles devoted to this topic, since W-2 went into effect state-wide in September, public assistance cases are down about 21 percent, 42% when urban Milwaukee county is left out of the equation. In October alone welfare cases outside Milwaukee County fell 30% and during the first two months of W-2 23 counties cut their cash assistance caseloads in half.

Moreover, since Gov. Tommy Thompson took office in 1987 welfare cases are down 72% (Eau Claire Leader Telegram editorial, December 18, 1997). Thompson claims that welfare in Wisconsin is more like the "real world" where people must assume responsibility for their actions (Thompson, p. 187, 1997). Thompson further positions government as a partner to those requiring public assistance by advocating an equation between personal responsibility and governmental response (Thompson, 1997).

The underlying assumption pulsing throughout the W-2 rhetoric is that former AFDC recipients, as a group, are irresponsible and unwilling to work. This assumption is arguable given multiple studies that have supported the fact that many AFDC recipients did in fact work while receiving benefits under AFDC (For example, see Harris, 1993 and Edin and Lein, 1997). Further, this assumption fails to consider three other crucial factors which significantly influence single mothers' experiences with the workforce. First, despite considerable gains women, relative to their male counterparts, continue to face job discrimination. Estimates continue to document that women still earn about 2/3 as much as males (Tilly and Albeda, 1997). Second, single mothers as the only adult in the family require more time and more money to care for children. Finally, because of life circumstances single mothers often have lower skills and less work experience and therefore do not enter the workforce on equal footing with more experienced and better educated workers (Tilly and Albeda, 1997).

As those who work closely with the poverty community know, W-2 is about more than just numbers. To complement findings about W-2 and other state welfare reforms from analysis that will ultimately occur with quantitative administrative and some broad survey data, WPPEI has launched several research projects drawing on a more qualitative research tradition.

The first projects included two comprehensive open-ended surveys with over 1,000 women in eight different Wisconsin communities conducted as W-2 was on the horizon. Currently, WPPEI is conducting the second round of interviews in a two-year in-depth interview study with 200 women in the same communities now that W-2 in full swing. This longitudinal interview study seeks to discover the day-to-day connections between women's experiences in poverty and the barriers and assists they identify as they attempt to grapple with the revolutionary changes W-2 has prompted in their lives.

The longitudinal nature of the interview project will allow us to examine the timing of certain events in relation to others, and to help pull apart the causal ordering that larger quantitative studies could then explore. Because WPPEI includes members of the poverty community as research team members it has an excellent chance of avoiding problems with sample attrition. For example, at about the time we were beginning to plan the schedule for the second round of interviews, we found that many of the women in the study phoned us to see if it was time for the next interview! This contrasts sharply with experiences of other researchers who often have a very difficult time

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tracking a population across time due to sample attrition.

How do barriers and assists impact women's lives at the everyday level of living? What are the patterns of entering and leaving poverty? These are the types of questions WPPEI's research strives to answer, because despite decades of sophisticated research on poverty we know surprisingly little about this level of experience. Moreover, we know frustratingly little about exactly why so many of the programs designed to move families out of poverty have had so little impact (Bane and Ellwood, 1986; Bane and Ellwood, 1994; Tienda, 1991; Spalter-Roth, Hartmann, and Andres, 1992; Edin and Jencks, 1992; U.S. General Accounting Office, 1995).

Without information about the details of people's experiences with these programs, the reasons for many existing findings remain elusive (Oliker, 1994). WPPEI hopes to make significant contributions to these nuanced understandings by explaining why women are responding to W-2 in certain ways and why some things work to help them leave poverty and why others do not. Ultimately, we intend for our research to provide a more holistic picture of what an effective welfare reform policy might look like.

RESEARCH FINDINGS

Several significant recurrent themes have appeared in the studies WPPEI has conducted. Based primarily on the data from the second comprehensive state-wide survey and from preliminary analysis of the data from the first in-depth interviews with 200 women affected by W-2 across the state, we have identified a range of problems that these women are facing. In the first round of interviews the most frequently mentioned problems were: inadequate education (66%), not finding jobs or finding jobs with inadequate wages (50%), emotional issues among themselves or their families (42%), benefits being discontinued and/or not having an economic support system (33%), not having medical benefits (30%), not being able to find child care (24%), abuse in their lives (19%), trouble providing food for their families (16%), problems attaining affordable housing (14%), no transportation (14%), having disabilities and not being able to work (13%), and not receiving child support (10%). Many women are experiencing a number of these problems simultaneously.

Not surprisingly, the most significant problems are also considered significant barriers to these problems. For example, inadequate education is considered the greatest barrier (31%), not finding jobs or finding jobs with inadequate wages (25%), and emotional issues among themselves and their families (10%) were the second and third most significant barriers, respectively. These barriers not only complicate a woman's ability to work but they also interfere with her ability to provide for her family.

Other issues that increase the complications of working and providing for a family are background factors that may have led to these problems in the first place. Past personal or family emotional issues (67%), past sexual, physical, or emotional abuse (35%), benefits having been discontinued and/or not having an economic support system (25%), and inadequate educations (23%) are among the most frequently stated background factors. The following commentary discusses in more detail some of the issues that rank among the most significant based on the survey and the preliminary analysis of the interview data.

Low-wage, low-benefit jobs prevent mothers from becoming economically self-sufficient

Fifty percent of the participants in the first interview indicated that finding a job or finding a job with an adequate wage was a significant problem. A high percentage of jobs in Wisconsin provide wages that are too low for family self-sufficiency. This is not surprising for as Christopher Jencks explains:

'History suggests that the American economy can create some kind of work for almost every pair of willing hands. But history also suggests that American employers usually reserve steady work for those who are unusually reliable or have valuable firm-specific skills. Most employers see a former welfare recipient as a risky hire. They will hire her only if they know they can easily replace her should things not work out. As a result, the jobs open to former recipients tend to be those with a high turnover and frequent layoffs. (Edin and Lein, p xix, xx 1997).'

Consequently, despite Wisconsin's favorable economy and relatively low unemployment rate, many low-wage jobs remain unstable (Romenesko, Kim, and Bravo, 1993) or are simply unable to provide any mechanism for upward mobility (Edin, 1994). Moreover, a recent survey released by Northern Illinois University concluded that although Wisconsin's economy is doing well and there is a documented labor shortage, most of the open jobs require skills and training that many single mothers do not have because of their limited educational backgrounds (Jensen-Sharma, 1997). The study reported further that there are, on average, three people competing for every low-skilled job in Wisconsin. In Milwaukee, the ratio climbs to seven people for every low-skilled job.

Many mothers who used to receive AFDC do not have occupational skills or education that would make them eligible for jobs which would provide adequate incomes

The number one problem that most of the interviewees cited was lack of education. In today's economy many of the jobs that provide a family-sustaining wage, benefits, and job security require a post-secondary education which few former AFDC recipients have attained. Nearly half a century ago when President Truman's Commission on Higher Education identified barriers to college for young people in the U.S., economic issues were cited as the most significant barrier (Levine and Nidiffer, 1996). This barrier still looms today as the inequality of postsecondary educational opportunities continues to correlate with social class background. For example, students from families in the lowest-income quartile are two and one-half times less likely to enroll in college than are those who families are in the highest-income quartile (Levine and Nidiffer, 1997). Further, they are eight times less likely to graduate (Mortenson and Wu 1990 quoted in Levine and Nidiffer, 1996).

Successful completion of postsecondary education has long been heralded as the most promising path leading out of poverty. This remains particularly true for women who, on average, earn less than their male counterparts. Whereas education does not extinguish this pay differential it may move the woman into a better position to compete for a job with a more promising future. There appears to be overwhelming evidence for the need for either substantial wage supplements or high-quality training to assist the current population of unskilled and semiskilled women in attaining self-sufficiency through work (Eden and Lein, 1997).

The childcare problem has yet to be solved

Our survey participants indicated that they prefer to leave their children in the care of family members but this is not always an option. For-profit commercial childcare settings are most mothers' second choice but this option is expensive. Although Wisconsin provides child care subsidies to those whose low salaries leave them in poverty, the co-pay which amounts to 16% of their income is too high, making even subsidized child care unaffordable. Our research also documents that Hmong immigrant mothers with large families are finding that day care centers are unable to take 3-4 preschoolers from the same family so these mothers are required to take each child to a different day care center by bus.

Our research has shown consistently that single mothers seek childcare that is affordable and accessible but they are primarily concerned about the quality of the care that their children receive. Our findings support those of Edin and Lein who conclude:

> *Our conversations show that low-income single mothers have a much broader view of what constitutes responsible behavior than policy makers do. Not only must*

> *mothers ensure that their children are sheltered, fed, and clothed, they must also see that they are supervised, educated, disciplined, and loved (p.5, 1997).*

The women in our study like those in Edin and Lein's want to be good mothers **and** good providers and they often view these goals as conflicting. The following additional points further illustrate some of the origins and consequences of these concerns.

Childcare for children with special needs continues to be difficult to find.

In some counties, mothers were assigned the care of their disabled child as their community service jobs. However, these women also worry about the two-year time limit imposed by W-2 because many of their parental responsibilities for their handicapped children will extend beyond two years.

Mothers who participated in the study, along with their children, were confused about the requirements of W-2 and how it would affect them

This confusion caused feelings of insecurity and fear about the future. We should not assume that former AFDC recipients who are not participating in W-2 have risen above poverty. This population includes a large number of families that are undergoing extreme economic hardships such as homelessness and hunger. It also includes families which were sanctioned off of Pay for Performance because they could not cope with the work requirements, families in which the mother is a survivor of past and current domestic violence and experiencing symptoms of traumatic stress disorder, and families in which the mother does not want to abandon children who have special needs which make them ineligible for available childcare.

SUMMARY AND POLICY IMPLICATIONS

W-2 has a strong core of supporters and a vocal group of critics. Those who support W-2 point to drastic reductions in public assistance caseloads as evidence for W-2's early success as an innovative policy to "end welfare as we know it." Those who criticize W-2 ponder why so many individuals are electing not to participate in the program and wonder if there is a remnant of a safety net to assuage pressing human needs that are becoming increasingly apparent in Wisconsin communities as homeless shelters and food pantries struggle to keep up with demands for their services. Many W-2 critics align with Mimi Abramovitz's assessment of current welfare reforms which she describes as "mean spirited campaigns... which deflect attention from the economy by maligning the marital, childbearing, and parenting behavior of poor women" (p. 158, 1997).

And so the debate continues as W-2 marches through its inaugural year. On the one hand, those who favor W-2 argue that "personal responsibility" and "work" are the anecdotes to poverty. Moreover, they are convinced that self-esteem resides on the other side of a regular paycheck and participation in the workforce. On the other hand, single mothers living in poverty including the participants in our study argue that they need skills and education to find a family-sustaining job and report that self-esteem is not a by-product of a low-wage, dead-end job. The underlying current fueling this debate rests with disparate viewpoints that spur the opposing positions. Whereas many of the W-2 policy makers view poverty as a personal, moral failing, many single mothers living in poverty cite broader structural factors such as foreclosed educational opportunities and discrimination in the workplace as key contributors to their difficult circumstances.

WPPEI's research findings provide one source of data that can be utilized to help evaluate some of the early policy effects of W-2. For example, the in-depth interviews provide some important implications for W-2's implementation. Most of the women described the lack of individualization in W-2, a program that they describe as extending from a "one size fits all" philosophy. One interviewee commented, "They need to look at the human side instead of just seeing us as labor." Many also felt that the changes were too abrupt and that changes were implemented before they had been adequately explained. Some attribute this abrupt transition to the lack of clarity human services workers received in preparation for widespread changes. A few indicated that it seemed like caseworkers were incorrectly interpreting new policies. For example, one mother was instructed that she must return to work when her infant was 2 weeks old when the guidelines specify 12 weeks. Another woman was pushed off assistance with a part-time job. Others feared the loss of a safety net in light of new "get tough" policies. Still others indicated that the sanctioning process seems illogical and women are being hurt because of the ineffectiveness of those who have been given the task of enforcing policies that they themselves do not necessarily understand.

Our findings also indicate that many of the problems single mothers are facing with the advent of W-2—inadequate education, personal and family issues, child care, domestic abuse, transportation, disabilities to mention a few—are conflicting with the woman's ability to work. These will be on-going problems until outside resources are available to these women. Other problems such as low-wage jobs/wages and lack of medical care, food, housing, and/or child support are making survival for these families extremely difficult. Unless subsidies or other resources are provided, our research findings project that we may expect to see an increase in poor health, hunger, and homelessness among these families.

In conclusion, our research advocates the need for bringing women's experiences to the policy table so that their views will be represented when policies— that generate major impact on their lives— are forged and implemented. Without their valuable insights policy will continue to focus on perceived "individual failings" rather than on the broader social structures that by perpetuating inequalities and creating barriers hinder economic self-sufficiency for single women and their families.

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REMEMBERING THE PAST, ANTICIPATING THE FUTURE: A STUDY OF SINGLE AFRICAN AMERICAN MOTHERS WHO ARE FORMER WELFARE RECIPIENTS

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ABSTRACT

To move from support through welfare to self-sufficiency, African American single mothers accessed social support networks both formal and informal; developed coping strategies, and utilized adapting strategies at home and work. This study examined the experiences of 13 single African American mothers who are heads of household. All are from a northeastern city in the United States and at the time of this study, all were employed with the exception of one full-time graduate student.

This study employs qualitative methodology, specifically in depth but topically oriented interviews, allowing for comparison among informants.

The findings for this study are focused in three intersecting qualities which revealed themselves in these 13 women: willingness to access support structures, utilization of coping strategies, and implementation of adapting strategies at home and at work. Of paramount importance is the women's persistence in the face of obstacles.

The primary implication of this study for local and state social service agencies is significant in that it creates the potentials for implementing change in existing policies and programs.

I conducted a qualitative study of the perspectives and experiences of a special group of 13 African American mothers (See Table 1)—mothers who were former welfare recipients. The goal of the study was to investigate the skills and strategies these mothers developed and applied to organize their lives as they moved from welfare support to self-sufficiency, and to discern their meaning of success. I used in-depth but topically oriented interviews which allowed for comparison among informants.

Although most researchers align themselves with a specific theoretical framework, it is standard to borrow from diverse frameworks to make sense of the data (Taylor & Bogdan, 1984). The theoretical perspectives for this qualitative study are symbolic interactionism (Blumer, 1969) and Patricia Hill Collins's (1989 & 1990) Afrocentric perspective of motherhood.

In order to qualify for this study, **first**, the participants must have been a former welfare recipient. **Second**, marital status must be either never married, separated, divorced, or widowed. **Third**, participants must have at least one child 19 years of age or younger who currently lives with her. **Fourth**, participants must be 20 years of age and older so as to fall outside studies of teenage pregnancy. **Finally**, a factor not expressed on my flyer nor to those who recommended participants, was the group of mothers who had been off of welfare for at least two years, thus keeping with the recidivism research.

For the women in this study, moving off of PA became the initial step in the acquisition of success. As discussed earlier, the mothers realized that they could not become self-reliant, self-supporting, and achieve any of the goals they set for themselves if they remained on PA. To achieve their goals, an exit from PA was tantamount to success. Success takes on various meanings to the mothers interviewed and they realized that in order to achieve any measure of success, they had to access social support networks, utilize coping strategies, and employ adapting strategies.

ACCESSING THE SOCIAL SUPPORT NETWORKS

Social support is generally defined as emotional support, feeling valued, and belonging to a group or help that is available in difficult or stress-arousing situations (Cobb, 1976; Sarason & Sarason, 1982). In moving from welfare to self-sufficiency,the mothers in this study utilized both informal and formal support networks.

Informal Support

Informal support networks are non-structural, personal relationships that might exist among individuals in the family, and groups or other individuals. These networks are formed by common interests and personal relationships, developing in part, because they meet the needs of those involved.

Natal Family. Natal family refers to the family of birth—mother, father and all siblings. Most of the mothers received support from members of the immediate or natal family. Charisse's sister took on the task of taking care of Charisse's children. She prepares dinner for them, checks their homework, and takes them to their home and stays until Charisse leaves work at 11 p.m. Charisse explains:

Now me and my sister are really close because with the job I have now and my kids, she helps me out a lot. She's the baby sitter. My hours are 3 to 11 p.m. so, you know,

Table 1: Participant Demographics

Mother	Marital Status	Child Support	Current Education Status	High School Curriculum	Occupation
Roberta Woods	Never married	Yes (for one child)	H.S. graduate	Business	Technical Assistant (data entry)
Caroline Everson	Never married	*Sporadic	1st semester college senior	College prep	Economic Dev Specialist
Harena Cotton	Separated	No	GED	Business	Licensed child care provider
Chenyre Jackson	Never married	No	Bus cert. AA, 2 yrs coll	Business	Service Claims Clerk
Kami Walker	Never married	Sporadic	Masters	College prep	Full-time student
Theresa Norman	Never married	Yes (minimal)	AA Executive Secretary	Business	Technical Assistant
Bettye Singleton	Never married	No	H.S. graduate	Business	Typist One (Civil Service title)
Andrea Smiles	Divorced	No	H.S. graduate	Business	Charter Bus Driver
Joy Peterson	Never married	Sporadic	2nd Semester Sophomore	Cosmetology	Technical Assistant
Carmen Jennings	Divorced	No	PT in Nursing	Business	Nursing Assistant
Noah Cunningham	Never married	No	2nd Semester Sophomore	College prep	Customer Service Representative
Crystal Westfield	Never married	Sporadic	BS Social Work	Business	Teacher Assistant
Charisse Briggs	Never married	No	AA Fashion Management	Business	Machine Operator

*Sporadic may mean one check over several months, sometime years

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> *I'm missing just about everything with the children, and she helps me out with them a lot.*

The mothers received support for kin for a myriad of reasons. When Carmen was unable to find employment, she and her children ate dinner at her mother's home each day. Most of the mothers cited receiving help from their natal family in the form of baby-sitting, money, food, emotional support, and spiritual support.

Hogan, Ling, and Parish (1990) found that single mothers have better access to kin than married mothers. Even though kin access is better among Blacks than among Whites, the effects of race and marital status operate independently so that Black single mothers have the best access to kin.

Relationships. Accessing individuals outside the natal family also served as a source of support. The mothers accessed neighbors, godparents, friends and fictive kin. Fictive kin is actually non-kin part of a family, individuals who are not related by birth or marriage to the family but those acquire kinship status because of consensual agreement between individuals (Stack, 1974). For example, the Godparents of Charisse's children are fictive kin. Bettye explains how her neighbor assisted her:

> *When it was my turn to work in an office, I never had anything to wear because I was always giving money, or doing things for my daughter. And I had a neighbor that would give me something to wear for each time that I had to work in an office.*

In Patricia Hill Collins (1990) Afrocentric perspective of the meaning of motherhood, one of the themes advances the recognition of bloodmothers, othermothers, and women-centered networks suggests that in African American communities, the boundaries distinguishing biological mothers of children from other women who care for children are often fluid and changing. Charisse's says:

> *I had help. My kids' godparents—they buy for them. I didn't have to buy, there were a lot of things I didn't have to do. My father he'll get a little shirt or a little tie. So I had help, I had a lot of help.*

Charisse also mentioned that sometimes the children would spend the weekend with the godparents returning early Monday morning in time for school.

Kissman (1991) discusses the importance of the concept of "similar peers" in marshalling the support of potential networks. Caroline speaks of a friend whom she had several situations in common. She recounts:

> *I have a friend who is in the identical situation, and we really support each other. My kid needs a pick up, she is available. She zoom over. Her kid needs a pick up, I am available, I zoom over. If I am not available, we try to figure out how to make it happen.*

Colleagues and fellow workers. Informal support was not limited to natal family, neighbors, godparents, and friends. Often these mothers received support from colleagues and fellow workers. Roberta recalls a situation with one fellow worker in particular:

> *A friend of mine had gotten a whole bunch of Weight Watchers stuff from this church. I had like a trash bag of it. I was going to use it. (Laughter) I never did. Anyway, so I gave it to Minnie and she [Minnie] gave me this exercise bike. Anyway we had fun, so me and her became real good friends.*

Formal Support

Formal support networks are structural, impersonal, and created to achieve one or more specific goals. In moving from support through welfare, the mothers accessed educational and training programs, the welfare system, shelters, and churches.

Educational and training programs. Enrollment in educational and training programs were instrumental in helping the mothers acquire marketable skills which enable them to move off of welfare. While on PA, Chenyre, Theresa, Bettye, Andrea, Joy, and Carmen enrolled in academic and vocational programs at the Center for Academic & Vocational Pursuit (CAVP). Theresa, Joy, and Carmen enrolled in the College Preparatory program while the other mothers pursued programs in the vocational areas.

Welfare system. Primarily, the mothers in this study received benefits from three of welfare's four programs: Aid to Families with Dependent Children, Medicaid, and Food Stamps. None of the mothers received Supplemental Security Income. These mothers could do very little without the help they received from the welfare system even though the funds were not enough.

This experience opened an entirely new avenue for *thought*. Carmen wanted to work and take care of her family without the assistance of PA but with her husband's incarceration, needing food and shelter for her three young children, no job, no income, she realized her limited options. She recalls looking for a job for over a year and still coming up with nothing. Carmen, like all the other mothers in this study, had worked before having to seek assistance through PA. Carmen speaks of her belief:

> *My thing was always to work. If you want anything, you work for it — welfare is a source of — if you need it, and you are in a bind, you can't see no other way around, then that's, that's the route you take. But if you can do something for yourself, do it.*

Though dehumanized, frustrated, and demoralized, some of the women expressed gratitude for the benefits they received from PA, although these benefits were frequently inadequate. Charisse learned that even with a job, she still needed help for the job wage was insufficient to separate her completely from welfare. She shares these thoughts:

> *And no matter how much you go out and work with certain jobs, it's never enough. But with having a family my size and with those jobs, I always needed some assistance. And they got to know everything, how much you made this week, if there's any overtime and this takes away from something. I'll always be thankful for the help that I did get, but I'm very thankful now for the fact that I don't need it and I can go out and do it on my own.*

Shelters. Eight months pregnant and with a three-year old son, Roberta left a violent relationship. She persevered by accessing the support of a shelter for abused women. Her second son was born while she was living at the shelter which provided nurturing and supportive environment. The staff assisted her in locating an apartment, finding furniture, and ferreting out the best schools for her son. Finally, they showed her how to apply for PA.

Church. Collins (1990) maintains that Black women have long had the support of the Black church, an institution with deep roots in the African past and the philosophy that accepts and encourages an ethic of caring. The individuals who comprise Charisse's church exemplified that sort of ethic of caring. When I asked Charisse, "How has the church help you," she replies:

> *The people there know, they know us, they know my family so if you need help, and you go to them, and you can, they will help you any way they that they can.*

Others. In addition to educational and training programs, the mothers also accessed work study programs, PACE, and higher education opportunity program (HEOP). When I asked Carmen to tell me about the opportunities she has had, she explained:

> *The first opportunity was to be accepted in the program, ah the HEOP Program — that was very important to me. And I kind of look at it as a blessing — something that I probably prayed for.*

Carmen learned about the HEOP through her counselor at the Center for Academic and Vocational Pursuits [another program]. She recounts:

> *I was going [to the] Center for Academic Vocational Pursuits and Mr King was my counselor. I went to him because ah my hours changed at work and he explained to me that [evening classes] was going to end. And that they would only have morning classes. So I couldn't come to morning classes. He gave me the idea [HEOP], and he told me who to see, and all I had to do was make that call. I didn't make it for awhile, but I finally did. And that is what started me on my way.*

Key information from her counselor at the CAVP catapulted her into the HEOP program at LIU's continuing education program.

COPING STRATEGIES

In bridging the gap between support through welfare and employment, the mothers employed coping strategies in three dimensions: 1) strategies that relate to themselves which provided a keen sense-of-well-being; 2) strategies that communicated with or related to others, what I termed "sharing strategies," and 3) informed confronting strategies which were utilized to show that not only were they caregivers but also protectors of their families.

Sense-of-Well-Being Strategies

A sense-of-well-being is important to everyone, but is especially important to a single mother as head of household because the entire responsibility for the family rest with her. The mothers in this study recognized and employed certain tactics which enabled them to cope.

Mental tactics. When the mothers looked at their situations, no matter how dismal, they could always be thankful for they knew there were others who were worse off than they were. Betty shares her belief:

> *But, I believe in God with all my heart and I believe no matter how hard it is, that I have — someone else, it's worse for them, so I'm lucky. So I'm not having it as bad as I think I really don't have anything to complain about.*

Crystal, for example, uses exercise to maintain a sense-of-well-being. Exercise too is a mental stress reliever.

Spiritual tactics. Erik Erikson once suggested that the essence of being human is "hope;" that even in the most dire circumstances human beings are remarkably able to retain hope (Erik Erikson, 1963, as cited in Karp, 1996). Most of the mothers used some form of spiritual tactic to maintain hope and cope with the various situations in which they found themselves. The belief that a relationship with God should be an active rather than a passive experience permeated the spiritual side of most of the women in this study. In the African American tradition, prayer takes on many forms, however, it is often free verse rather than formalized or litany prayers. Bettye talks of Bible reading and prayer:

> *So, I read my Bible, and I talk to him [God] and I hope he listens. You know, but I believe in God with all my heart. I believe in Jesus Christ and nothing can stop it, no matter how bad it gets for me. [I will] never stop believing.*

Emotional tactics. In coping with the emotional situations in their lives, the mothers employed a myriad of coping strategies. They cried, laughed, shouted, screamed, and prayed. Chenyre used laughter as a tactic to enduring the oppressive interrelationship of race, class, and gender structures. Chenyre says:

> *I always laugh. I always felt that prejudice — most prejudiced people are ignorant. Just plain ignorant. That's all. I laugh at them. I laugh at them at Lambert Insurance. I laughed at them in high school, junior high school.*

Willingness to listen to experienced people. Some of the mothers employed the strategy of listening to experienced people. They learned that they did not have to start with step one because some steps could be passed over if one were familiar with the process. Crystal mentions the importance of listening to her daughter's grandmother:

> *I always listened to older people. I've always listened to them and followed their guidance and she was very instrumental in a lot of choices I made because I always remember what she said. And she was right; she was always right.*

Other mothers also mentioned using this strategy.

In addition to listening to experienced people, Nijah believed it was important to surround herself with positive people:

> *Because that, that negativeness rubs off on you eventually. I don't care what nobody say. I feel I need to just surround myself with positive people, doing positive things.*

Listening to experienced people and choosing individuals with positive attitudes as friends, the mothers in this study fostered a sense-of-well-being.

Sharing Strategies

I termed "sharing strategies" as tactics that relate to the mothers and their relationship with their children or with others they share their experiences. Many of these strategies took a simple form—conversations shared with the children so that offspring would not make the same mistakes the mother made. Roberta shares her drug addiction experience which later led to a sobering two weeks in jail. She takes her son to see movies on drugs to make sure he knows that drug traffic is not as glorious as it looks in the community. She wants him to know that kids who dabble in drugs may wear the "fat gold chains," the leather jackets, and the expensive sneakers but they will very likely end up in dire straits.

At the same time these women recognize that motherhood is also about making memories, pleasant ones in addition to the not-so-pleasant ones. Caroline's busy work schedule does not allow her to make her daughter's after school activities:

> *I couldn't make my daughter's soccer game. She really wanted me to go. I didn't make that, felt terrible. But had a day off, had an early evening home a couple of days later and said, "Guess what, I am going to make your favorite dinner." She was as happy as I don't know what! I made her favorite dinner. She walked in the door and it was ready. She was so happy!*

Children remember the good as well as the bad memories parents create for them.

Bettye challenges her daughter to work for a life that's better than the one she can provide. She conveys:

> *And I told her, "Look at me." But I always ask, "Do you want to live like me? Do you ever want to struggle? Do you want to struggle like we struggled? And there are times that we don't have enough to eat. There are times that we can't wash. There are times that wherever we have to go, we don't even have money to catch the bus, and we have to walk. Do you want to live like I live?" And I ask her to look at me and make things better for yourself.*

Being single mothers with limited income means learning how to repair items for themselves. Carmen believes it is important to pass on to her sons the ins and outs of repairing.

In addition to sharing with them how to repair cars and other household items, she is very careful in explaining to them how to treat other people. She prepares them to carefully regard the intersectionality of race, gender, and class. In her words:

> *Ah, I always told them never to be a racist. To, you know, always think of people for who they are. What they are. Never think that you [are] better than the bum.*

Whether they spend long hours reading or talking to children, creating favorite meals, attending sporting events, or taking them to movies, these mothers are creating memories. They are accumulating an inventory of memories for their children to use in the years ahead. They are filling the corners of the children's minds with sights, sounds, tastes, and smells that will re-emerge just when they need to remember them.

Informed Confronting Strategies

Informed confronting tactics represented the primary coping strategy used by these mothers to persevere and succeed in accomplishing goals they had set for themselves and their children. As long as there is social life, or as C. Wright Mills (1959) terms it "human variety," there will be conflicts that exist between or among humans. These conflicts between humans are dealt with in many ways: we can avoid the issue, refuse to discuss it, or ignore it. The mothers in this study managed conflict by, first, informing themselves and, then, confronting the issue.

When Theresa's son was beginning fourth grade, she knew he should have been in the fifth grade reader because he was always above grade level in both reading and math. His report card, school records, and his mother's recognition of his ability were indicators that he should have been assigned fifth grade materials. Theresa called the teacher and discussed the discrepancy with her even though the teacher believed

Garrett should be in the fourth grade reading book. Theresa asked her to send a fifth grade reading book home. Two days later the teacher called. Theresa recounts:

> *She was real nice and, you know, and talking to her it seemed she was a caring teacher. He should have been in the fifth grade reading book. Well, she did put him in the fifth grade reading book where he should have been all along. Something like that, you know, so innocent.*
>
> *So, you have to watch out for things like that. Just because a teacher is nice and caring, she can still discourage your child.*

One would hate to think about possible outcomes had Theresa not confronted or challenged the teacher's placement of her son.

Carmen was baffled with handling the problem of a seventh grader with his adult uncle, drawing a knife on him each day after school. She reported the incident to the principal and asked to meet with the parents. It took a week for her to meet with the parents, but nothing changed. She reported the incident to the school's policeman, informing her until someone actually did something to the child, there was nothing security could do. The incident took place across the street from the school at a store which was considered within the area of the school. At this time, Carmen was working nights, and each day her son would call her from school to let her know he was afraid, so she decided to investigate her son's story. She explains:

> *So, what I did is I got off work in the morning, came home, got them all ready, got them all off to school and I went with him to every class. And — I stayed there all day until it was time to come home. My son was just going through everything, what he does during the day after he gets out of school. There was a store across from the school, and this guy was waiting. Well, I drove my son over to the store because this is the way he walks. And it was a short cut, like a driveway — and the guy came out. I let my son get out first. He didn't see me. And — when my son got out the car, sure enough he came out of the store with the knife. And I — this was a seventh grader. And this is a grown man. So I was ready. And when I pulled the baseball bat out, I told him, "If you touch him, so help me I am going to kill you." After that I didn't see him anymore.*

It may be difficult to understand Carmen's personal behavior without considering the overall context within which the behavior occurred. Carmen believed she had to keep up her image in her children's eyes of being able to take care of them.

> *You know, the rapport with them, that I can take [care of them], you know. Mom is going to take care of everything. And I still have to keep that up. I had to do that. And, — after that, there were no problems.*

In order to be successful at parenting, Carmen believed that she had to personify both the protector/provider as well as the nurturer/care giver roles. The dual demands of single motherhood is, indeed, a continuing challenge for the mothers in this study.

There were times when the mothers had to inform themselves by requesting the information from the social structure because it was the system's rules and policies that governed them. Karni, for example, became informed by asking the University to provide evidence of their policy that related to single mothers and child care.

This forced the University to re-examine its policy. At least in Karni's case, the University now takes child care payments into consideration when determining the amount she qualifies to borrow. One can only wonder about Karni's situation had she not confronted the issue and just accept the University's explanation. In short, then, the strategy of informed confronting played a decided role in moving the mothers to self-sufficiency.

ADAPTING STRATEGIES IN THE FAMILY AND AT WORK

Adapting strategies refer to tactics implemented by the mothers to adjust or conform to environmental conditions or situations they could not change. Andrew Billingsley (1992) writes of the resiliency of African American families because of the adapting strategies they have developed and used over the years to adjust to a society which bases family norms on the principle Eurocentrism. Kesho Scott (1991) uses the phrase *habits of surviving* to refer to the external adjustments and internal adaptations that women make to economic exploitation and racial and gender-related oppression. She goes on noting that . . .

> *Such habits, first and foremost, are responses to pain and suffering that help lessen anger, give a sense of self-control, and offer hope. They can also be responses to unexpected happiness—ways of keeping "good times" going. They work, so oppressed people use them over and over again to defeat pain or prolong pleasure. People teach these habits to each other, often by example. They become as automatic as dance steps that we practice and perfect. Like dance steps, they provide a social etiquette, a way of moving through the world, and "proof" that we are in control. Eventually, the habits cease to be mere responses, They acquire the status of cultural prescriptions. In fact, they harden into ingrained attitudes—routines of thought, feeling, and action—that over time become unexamined and unquestioned traditions. In the end, they become so familiar and seem so deep-rooted in our culture that we say of them "It's just the way we do things" (p. 7-8).*

The women in this study used adapting strategies that worked for them both in the family and on the job.

Family

As stated earlier, the family—their children, took priority over all else. The mothers used various strategies to accommodate the needs of their families. One of those strategies was constantly prioritizing of tasks or responsibilities. Some might call this sacrifice, but the mothers in this study seemed to think of their responsibility as setting priorities. Setting the goal of making the family top priority is easily said than done. It is a difficult task to make the family first on the list because there are so many other responsibilities competing for the mothers' attention. When I asked the mothers how they juggled school, family, and everything else that encroached on their time, one mother responded:

> *It is really, really hard. But it is so necessary. I have to, I guess it is called prioritizing. I didn't realize I was doing it, but that's what it is. We really just have to prioritize. And that is the bottom line.*

The mothers used three major adapting strategies in dealing with their families: prioritizing, dividing of labor, and meetings of the family.

Prioritizing. Bettye lives in the projects and is concerned about the people her daughter sees on a regular basis. She wants to change her environment, but, of course, being of a welfare budget, she is not able to do so. One priority for Bettye is to get her daughter out of the immediate environment. She wants her daughter to be around other children whose parents are doctors, lawyers, business owners, and other professionals; she wants her daughter to see and be exposed to a different life. She recounts:

> *My daughter goes to a private school and she wouldn't know what the inside of a city school looked like . . . But I've done this from the time she was in kindergarten. I've done this for nine years. And I have — when I say I have sacrificed — I could afford to have a car if I didn't send her to [private] school.*

To accomplish this goal, Bettye buys clothes several sizes too large so that her daughter can wear them longer and, thereby, save money. On many occasions, they just went without whatever they needed. Betty goes on to say:

> *When I was on PA they asked me, "How do you send her to school? We're only giving you this." I had two pair of jeans and maybe four tops, and at one time I didn't even have a machine. I had to wash my jeans out by hand. But I did it because I wanted her to go to [private] school, and this is what I wanted for her.*

To provide her daughter with the best possible education and expose her to other children from different home environments was important to Bettye. African American women seek the best education for themselves and their families for survival purposes. From childhood they heard their parents emphasize the importance of going to school and getting a good education.

Dividing the Labor. In meeting the needs of the family, most of the mothers found that they could not do it all by themselves. On numerous occasions, the children helped with household chores. For example, Andrea's son makes breakfast for his younger siblings. Chenyte's five-year old daughter's responsibility is to keep her room clean. In teaching her children household responsibilities, Roberta models the same behavior she expects. She explains:

> *I clean my whole tub, [bathroom] it was looking brand new. I brought all the kids in and said, "This is a clean tub." When I say, "Clean the bathroom," this is how it should look.*

Amato (1987) maintains that children who are the product of single-parent households are often more autonomous and self sufficient than are those from "unimpaired" families, and this characteristic can be viewed as one of the strengths of one-parent units.

Meeting the Family. Regularly scheduled family sessions assures the relatively smooth process of day-to-day activities and can facilitate a more efficient use of time. Family meetings can provide a vehicle for needed feedback and trouble-shooting to keep the home system on a steady course (Kissman, 1991).

One day each week, Carmen and her children set aside time from their busy schedules to talk. She explains:

> *We have talks. This is something that we always do. We have a lot of talks — and we talk about whatever, whatever the one person comes up with. That is what we talk about. And then it goes around [the table] in circles.*

Carmen has found the family meeting an excellent way to explain "life" to her children. She explains to her sons and daughter what a man or woman looks for in a spouse, relating that to the importance of helping with family household chores.

Family meetings bring the members of the family together to discuss conflict between siblings, to learn about life's challenges, to encourage each other, and to strength and fortify the family unit.

Work

Most of the mothers in this study were employed prior to their being on welfare. Some had worked and then returned to welfare because of job layoff, job stress, and not being able to find employment. Work bolstered their self-esteem, enabled them to bring to fruition goals they set for themselves and their families, presented them as good role models for their children, and they realized that they could not even "get on even board," much less get ahead if they stayed on welfare. Utilizing adapting strategies in the work place enable the mothers in this study not only to move from support on welfare to self-sufficiency, but, also, it enables them to remain off of welfare.

In order to persevere, the mothers employed strategies of prioritizing and adapting on the job which included changing jobs shifts and taking on part-time jobs or working multiple shifts, weekends, and nights.

Prioritizing. In addition to prioritizing in the family, the mothers realized that it is equally imperative to prioritize at work. The history of family life and work life among African American people is a history of struggle and prioritizing. Most of the mothers commented that it is a struggle to "keep life and limb, and body and soul together." Life is filled with inordinate hardships and handicaps (Billingsley, 1992). It is also a struggle to determine how to use one's limited time and energy. Caroline, though adept at confronting and prioritizing the struggle, wonders why these struggles or battle even exist at all. Frustrated by the constant struggles, she sums up:

> *"How and which battle do we want to fight today, Caroline?" Do you want to fight this battle today, do you want to hold off on fighting this battle and go ahead and deal with others? Other stuff that is still on your plate. "What do you want to do? Is this whole thing specific to single working mothers, is this just crap that you would deal with regardless or is it because you are Black, is it because you are Black and a woman. What is going on here? Which battle are we going to fight?" And, and that is the struggle.*

Caroline has discovered that the struggle is choosing the battle to fight, matching it with the energy needed; they are all oppressive. Choices may seem quite limited when the battle is over being Black and female, or just being Black, or just office politics that one must face. But when the minority employees are all placed in the back of the building, one can usually narrow the choices. Most African American women tacitly affirm that keeping a job is more important than making a point. A decision is made and the struggle continues.

Adaptations on the job. Most of the mothers have found that the income from one job is not adequate enough to help them accomplish the goals they have set for themselves and their children. Therefore, they changed their job shifts in order to make more money and spend more time with the children; they worked multiple shifts; and they worked weekends and at night.

In order to meet her obligations, Carmen found working overtime was necessary to reach her goal of paying everybody. She recounts:

> *So in order to pay everybody, I had to work overtime. And I worked on like days jobs. I worked on like weekend jobs. I worked sometime, — double shifts — and I would have to come around and help her [baby sitter] watch them [the children] the second ending shift. That way I could pay her and I could pay the next door neighbor. And it helped me a little bit to pay my bills. And what I did is I switched to the night shift because night shift made, I made more.*

Nine of the thirteen mothers either worked a part-time job in addition to their full-time one or had jobs in which they could work over-time to earn additional money.

The mothers in this study, all of whom have achieved a measure of success, realize that they did not succeed all by themselves. Their experiences have been ones of overcoming obstacles and of turning stumbling blocks into stepping stones, stones which exist at every level of the social structure. The success of these families flows from the high value placed on social support networks whether informal or formal, the struggle to maintain and enhance their sense-of-well-being, sharing and informed confronting strategies, and the adapting strategies they utilized in the family as well at work.

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PARENTS AS SCHOLARS: A MODEL HIGHER EDUCATION[1] PROGRAM FOR LOW-INCOME WOMEN IN THE NEW WELFARE LANDSCAPE

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> *Education is the single most consistent and powerful instrument for the advancement of an individual and a people.*
>
> Johnnetta B. Cole

One would have thought that by the end of the 20th century, the education of women would be neither at issue nor in question. Yet the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) effectively rescinded access to higher education for low-income parents on welfare, many of whom are women. Not only did PRWORA repeal Aid to Families with Dependent Children (AFDC) and replace it with the Temporary Assistance for Needy Families (TANF) block grant, it threatened states with tough penalties if they fail to move parents into work and, as a consequence, out of education and training programs. The fear of federal financial reprisal coupled with the political hazards inherent in the failure to follow the path of tough, work-based reform led most states to abandon programs offering post-secondary education to welfare recipients. Higher education had been an option adopted by states as part of the JOBS program established under the Family Support Act of 1988. But by 1996 this "window of opportunity" for poor women to access higher education slammed shut with the passage of PRWORA.

"Work first" became the mantra in welfare offices throughout the nation; thousands of poor women were diverted from classrooms to workfare sites. Many more have been forced into the paid labor market where they are concentrated in low paying jobs with few, if any, benefits. In this "race to the bottom", success is judged by the number of families leaving the welfare rolls, not those leaving poverty.

Despite a plethora of research studies confirming the relationship between higher education and increased earnings potential, all but two states followed the federal lead and opted to restrict recipients' access to higher education as an acceptable alternative to work. By the end of 1997 it was estimated that nationally nearly three-quarters of a million college students were on welfare.[2] The PRWORA restrictions have had a considerable impact on college enrollment among AFDC recipients: the decrease in enrollment among recipients has ranged from 29% to 82% throughout the country. Although there are undoubtedly a number of explanations for this, the squeeze of PRWORA has forced many women to leave school for work, despite the long-term consequences.[3]

Maine stands out as one of only two states to demonstrate that higher education can and should still be maintained in a state's welfare plan. It enacted the ***Parents as Scholars (PaS)*** Program, providing a ray of light in the dark landscape of welfare reform.[4]

HIGHER EDUCATION AS A ROUTE OUT OF POVERTY

In a modern industrialized society education serves at least two simultaneous functions. For the society, it is a vehicle for maintaining and transmitting culture from one generation to another. Our very survival depends on it. For the individual, it is a primary means of overcoming disadvantage and controlling one's life. When public education in the U.S. was first established (for men) it was justified on the grounds that it prepared workers, fostered citizenship, and improved society; education was a public good, an investment in the future of a society. For years women were deemed to need only the education that enabled them to perform strictly circumscribed roles and functions most often in the home as nurturers, caretakers, and care givers. "Only in the last thirty five years has education been linked to women's economic status and their employment opportunities."[5]

Is higher education good for women? In *Working Hard Falling Behind*[6] the author emphatically states that **education matters**. These sentiments are echoed in The Department of Health and Human Services' Interim Report to Congress, *Indicators of Welfare Dependence and Well Being*[7], which cites educational attainment as indicative of the "ability to work and earn wages." "Individuals," it further states, "with no more than a high school education have the lowest amount of human capital and are the most at risk of being poor despite their work effort."[8] Many studies clearly establish higher education as a critical variable spanning the chasm between poverty and success and achievement.[9] The 1990 Census showed that college degree holders averaged earnings of $2,552 per month whereas high school graduates averaged earnings of $1,595 per month. For women, whose earnings (although not potential) have always been significantly less than men's, education is even more critical to their success in the public arena of work. Studies in five states, reported the One Dupont Welfare Reform Coalition, "found that a college education enabled the majority of women surveyed (81 percent) to become financially independent; an average of 70 percent attributed their success in securing employment to a college degree."[10]

Further, for women the need for an education in order to increase earnings is greater than for men. Women generally earn less for full-time work than comparably employed and educated men.[11] The gap between women with a higher education and those without is higher than that for men. Nationally, the 1996 real hourly wage for women with a college degree ($17.49) was $8.37 per hour higher than the real hourly wage for those with a high school degree ($9.12). By comparison college degreed men earned only $7.85 more per hour than men with a high school degree, earning a real hourly wage of $19.80 and $11.95, respectively.[12]

Since the mid 1980's "the wage advantage of well-educated workers has continued to rise."[13] For Maine women as well, post secondary education has correlated with a rise in wages over time. Between 1979 and 1995 women with a high diploma experienced a 3.6% drop in wages whereas college educated women experienced a 19.5% increase. More dramatic is the 11% drop that women with less than a high school diploma experienced.[14] The need for higher education in order to make ends meet promises to continue. The Department of Labor predicts that by the year 2000 the majority of new jobs will require a post-secondary education.

For poor families, particularly those headed by women, low wages are more extreme and education even more crucial. Recent studies in Maine, where 37% of working poor families are female headed[15], illustrate this. In a 1994 survey of AFDC recipients, 96% of whom were women, 22% had less than a high school education and only 5% had a college degree. The study revealed that of the 21.5% of AFDC recipients then working one-third were employed as cashiers, babysitters, waitresses, chambermaids, or cooks. Overall, 73% of recipients had worked in the last five years. Of the jobs they had held in that period, nearly 60% were in six occupational categories: cashiers, waitresses and other food preparers and servers, CNA's, commercial and residential cleaners, farm laborers, and child care workers. 18.7% of the jobs paid only the minimum wage and 52.3% paid wages between minimum wage and $5 per hour. The wages of those who worked in the last 12 months averaged $5.37 per hour.[16] These findings are consistent with those of an IWPR study that found that welfare recipients without higher education are restricted to jobs that do not pay wages adequate to lift women out of poverty.[17]

The decrease in wages of workers in low wage jobs and the correspondingly high rates of unemployment and underemployment further exacerbate this situation. A recent Economic Policy Institute analysis of BLS data indicates that between 1989 and 1996 the hourly wage of low-wage workers dropped by 2.4% nationally and in Maine by 9.9%. Market indicators in New England reveal grim prospects for women with less than a high school education who experience unemployment and underemployment rates of 11.5% and 20.2% respectively.[18]

In *Maine Families: Poverty Despite Work* a survey of AFDC recipients revealed that those with college degrees earned 20% more per hour than those with less than a high school education. "This suggests that access to post-secondary education can enhance the ability of welfare recipients to escape poverty though work."[19] And, in a 1996 study of AFDC recipients Harris[20] found that "women who finish high school or who obtain any post-secondary education significantly reduce their chances of repeat dependency." Predictably, recipients with post high school education have a 41% lower chance of returning to welfare than do non high school graduates. Education, she found, "is more important in maintaining welfare exits than is contact with the labor force prior to entering welfare."[21]

The principal intent of PRWORA is to move people, mostly poor women, off "welfare" and into jobs. Although the permanence of this move depends on the availability of well paying jobs with benefits, the prospects for poor women are dismal without access to advanced education. In 1994, 20% of all jobs in Maine did not pay a livable wage of $18, 204 for a family of two. A study further revealed that only 27% of the net job openings filled paid a livable wage of $11.55 per hour and 63% of these required more than two years of training or experience.[22] Stephanie Seguino and Sandra Butler, in a paper questioning some of the presumptions behind forcing poor women into work, formulated a basic needs budget based on the assumption that households fund the full cost of health care[23]. Their "startling finding ... was that in order for a single parent with two children under the age of six to provide for her family's basic needs, she would have to earn $12.59 per hour in 1993 or an annual income of $26,183. ... On the average, women in Maine earned only $7.78 per hour in 1993."[24]

PARENTS AS SCHOLARS: ACCESS TO HIGHER EDUCATION FOR LOWBINCOME PARENTS IN THE CURRENT FEDERAL AND STATE LANDSCAPES

In 1997 the Maine legislature rejected the one-size-fits-all "work first" route prescribed by PRWORA. Today nearly one thousand low income Maine parents are enrolled in college as participants in the ***Parents as Scholars (PaS)*** Program. ***PaS*** is a state-funded student aid program, separate from TANF, that provides families who meet TANF eligibility requirements the opportunity to enroll in a two or four year post-secondary program.[25] ***PaS*** students receive a monthly check in the same amount as those in the TANF Program. While they are expected to apply for financial aid to cover tuition, ***PaS*** couples state assistance with supportive services, such as child care and transportation, necessary for their successful participation in the program.

Students are required to participate twenty hours a week for the first two years of their program: school and study time, as well as any volunteer or paid work time, count toward these hours. After two years they must work twenty hours a week in addition to school.[26] The definition of work in Maine's law, however, is much broader than that in PRWORA: school-related volunteer activities, practicums, tutoring, internships, and work-study all count toward the required twenty hours. Students are expected to complete their programs in the time it would ordinarily take a full time student, however, if good cause circumstances exist additional time is permitted. The program is limited to 2,000 participants.[27] While some requirements and limitations in ***PaS*** are not ideal for single parents struggling to both go to school and raise their children, the program provides significant access to higher education at a time in history when such opportunities have dramatically deteriorated.

THE FEDERAL LANDSCAPE: HOW PARENTS AS SCHOLARS FITS

Since 1988 federal welfare-to-work law has required states to have a certain percentage of recipients participating in an education, training or work activity. PRWORA, however, virtually prohibits post secondary education and training activities from "counting" toward the state's participation rate: a TANF recipient participating in a job-related education or training program lasting more than one year cannot be "counted." PRWORA also increases dramatically the percentage of parents that must be working thereby pressuring states to move as many parents as possible as fast as possible into *any* job or workfare site. To avoid severe federal penalties, states were expected to have 25% of single parent families working at least twenty hours per week in 1997; by 2002, 50% of these families must work at least thirty hours a week.

While welfare reform supporters have been quick to point out that the new law does not prohibit welfare recipients from attending college, the powerful financial consequences for states are evident in their implementation plans. The Center for Law and Social Policy (CLASP), a Washington based policy group, recently found that twenty-four states had statutes or regulations on the books providing parents some relief from work requirements so that they could attend college. But in nearly all of these states, the policy was either transitional[28] or limited to two years or less of post-secondary education. Even in those states where the law theoretically allowed welfare recipients to go to college, CLASP contends that welfare caseworkers are under such intense pressure from state administrators to meet participation rates that many ignore the law and require recipients to work twenty hours in addition to going to school.[29]

Ironically, the same ideological view that brought us this animus toward education for low income women with children also provided states with sufficient control over *state* welfare dollars to create programs like ***PaS***. In the early fall of 1996 two Washington-based policy groups, the Center of Law and Social Policy and the Center on Budget and Policy Priorities, analyzed PRWORA and argued that a state could use its own welfare dollars to create a separate state program apart from its TANF-funded program. While PRWORA required states to continue spending state dollars on low income families with children (the so-called "maintenance of effort" obligation or MOE dollars), it could separate those dollars from the TANF funded programs and continue to provide access to post-secondary education for low income parents. Such a program would count toward the state's maintenance of effort obligation and participants in the program who were engaged in education instead of work would not damage the state's work participation rate. The participants would also avoid PRWORA's five year time limit as they are not TANF funded. The Federal Department of Health and Human Services adopted this analysis of the law early in 1997.

In a disappointing action earlier this year the federal Department of Health and Human Services (DHHS) issued a proposed rule which, if adopted, will have a chilling effect on states' interest in establishing programs like ***PaS***. In PRWORA, Congress provided states relief from financial penalties (in certain circumstances) for failure to meet participation rates. The proposed DHHS rule would limit the availability of that relief if the state has "diverted cases to a separate state program for the purpose of avoiding the work participation requirements."

This proposed rule was roundly criticized during the public comment period by the National Governor's Association, the American Public Welfare Association, members of Congress from both parties, state administrators, and many advocacy organizations. The provision, these groups argued, expressly violates federal law and is contrary to the notion of state flexibility, the very heart of Congress' intent in enacting PRWORA. A final ruling on this subject is expected from DHHS in the late summer or early fall.

Even if the proposed regulation is adopted, states should not shy away from establishing separate state programs to promote policy goals they see as beneficial to poor families with children. The language of the proposed rule would only apply to those states which created a separate state program "for the purpose of avoiding the work participation requirements." Certainly Maine did not create the *PaS* Program "for the purpose of avoiding the work requirement", but rather to promote a welfare reform strategy that in its judgement would best serve the goal of moving families out of poverty. Far from excusing these families from a work requirement, many of them are actually working more than their TANF counterparts.

THE STATE LANDSCAPE: ENACTING PARENTS AS SCHOLARS

While it is possible to continue to provide access to education without damaging a state's work participation rate, most who have fought this battle know that this opening is only the first step in a challenging political battle. Advocates in Maine had three points in their favor when they began efforts to enact the ***PaS*** legislation in early 1997. First, Maine had a tradition of providing access to two and four year post-secondary education in its welfare-to-work programs.[30] Many women on AFDC were still in school at the time that PRWORA was implemented. This enabled a group of articulate spokespersons who had either benefited directly from this policy or had otherwise come to recognize its value to emerge.

Second, a coalition of groups representing women, low income families, religious and labor organizations, and social service agencies, organized in the early 1990's. The Women's Economic Security Project (WESP) conducted an aggressive campaign to counter the powerful anti-welfare sentiment sweeping the country. The goal of the campaign was to shift the terms of the welfare debate from a focus on stereotyped behavior to a broader understanding of how the economy keeps women, and particularly single parents, poor. In 1994 they surveyed 3,000 AFDC families. Stephanie Seguino, an economist then at the Margaret Chase Smith Center at the University of Maine at Orono, was asked to analyze the findings, describe the experience of survey respondents, and analyze their prospects in Maine's labor market. The report, *Living on the Edge: Women Working and Providing for Families in the Maine Economy*, was the first to describe who in Maine was receiving welfare and why. It received wide coverage from a Maine press hungry for welfare stories. Citing evidence that revealed that nearly two-thirds of single parents with young children lived below the poverty level and that the average wage of welfare recipients was $5.37 per hour, the report dramatically reinforced the point that *real* welfare reform had to focus on the condition of women in the labor market.[31]

Armed with this new evidence, members of WESP made visits to the editorial boards of every major Maine newspaper, held a series of educational lunches for legislators, and dispatched speakers throughout the State to engage community groups in dialogues about women, welfare, and the economy. Dozens of women came to the State House to oppose stereotype-based legislation calling for family caps, learnfare and time limits. Everywhere representatives of the campaign reiterated the same message: welfare reform must be about raising families out of poverty and this won't happen until we change the economic position of women in labor market. WESP's systematic effort to change the terms of the debate helped to create the political climate that made the passage of ***PaS*** legislation possible.

In late 1996, another event occurred that had a significant impact on the ***PaS*** legislation. An employee from a Maine community action program organized a "Walk-a-Mile" project, pairing legislators with welfare recipients throughout the State. The purpose of this project was to help lawmakers better understand welfare by spending a month sharing experiences with a partner who was on welfare; over fifty legislators participated. By sheer coincidence, the ranking Republican member of the legislature's Health and Human Services Committee was paired with a young woman who was struggling to enroll in college. The experience of helping this woman to realize her goal made a lasting impression and the legislator became a strong ally of the ***PaS*** effort.

Thus, by the time that the ***PaS*** legislation was presented to legislators in early 1997, a considerable amount of political groundwork had already been laid. A broad coalition of groups and individuals, including representatives from the University and technical college systems, quickly organized in support of the bill. After hearing from dozens of people, including powerful testimony from many past and present welfare recipients, the bill won strong bipartisan support from the Health and Human Services Committee. This encouraged the Maine Department of Human Services to take the untested step of using its state MOE dollars, as permitted by PRWORA, to create a state program separate from TANF.

A final and critical reason for the passage of ***PaS*** was the active role that the bill's sponsor played in its success. The Maine legislature made history in 1997 by electing a majority of women to legislative leadership positions. One of those leaders, Senate Majority Leader Chellie Pingree (D-Knox) was the sponsor of the ***Parents as Scholars*** Legislation. She lobbied tirelessly in support of the bill with her colleagues, in the press, and with the executive branch. On at least four different occasions, she summoned Maine's Commissioner of Human Services to her office to discuss her interest in seeing the ***PaS*** bill pass. She never faltered and her tenacity paid off.

THE PARENTS AS SCHOLAR PROGRAM: EARLY FINDINGS

Nine months after the ***PaS*** program became law in Maine 912 parents were enrolled. While precise data is not yet available, regional managers report that ***PaS*** students are enrolled in a wide range of programs including nursing and medical technology, criminal justice, accounting, social services, rehabilitation, business administration and computer technology.

Not surprisingly, the basic demographic characteristics of participants in the ***PaS*** Program are similar to those receiving TANF ben-

Demographics as of 2/23/98	TANF	*PaS*
Average number of children per family	1.6	1.6
Single parent families (percent of total families with adult on grant)	91%	96%
Two parent families (Percent of total families with adult on grant)	9%	4%
Average Age of Parents	32	30
Average Age of Children	7	7
Percent of families with earnings	18%	15%

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Average Wage on Entering Employment and % with Health Benefits For Families Leaving AFDC[32]

State Fiscal Year	Average wage--all AFDC cases[33]	Average wage--2 year post-secondary	Average wage--4 year post-secondary	% with benefits--all AFDC cases	% with benefits--2 year post-secondary	% with benefits--4 year post-secondary
SFY 93	$6.05	$7.71	$8.15	29.08	46.67	61.11
SFY 94	5.72	7.11	7.72	21.00	31.43	58.14
SFY 95	5.74	7.00	7.18	25.75	43.06	33.96
SFY 96	6.53	6.24	8.24	11.35	27.03	52.63
SFY 97[34]	5.95	6.90	8.64	10.15	28.04	34.00

efits. The larger percent of single parent families in the *PaS* Program is probably explained by the historic emphasis on work rather than education for two parent families in the AFDC program.

When program data becomes available, we anticipate that there will be a dramatic difference between the wages and benefits paid to participants leaving *PaS* and those leaving TANF programs. Although the *PaS* Program is too new to have generated such data yet, data has been collected since 1993 comparing the wages and health benefits of those leaving the AFDC Program who completed a post-secondary program and those who did not. This information is presented in the chart below.

POLICY IMPLICATIONS: THE BIGGER PICTURE

A recent report from the Preamble Center for Public Policy[35] investigating administrative claims that "the avowed objective of welfare reform has been to lift welfare recipients out of poverty by moving them into paid employment" reveals dismal prospects for the future. The report, citing evidence contrary to administrative rhetoric, finds that the overall effect of welfare "reform" has been that of "pushing millions of people into competition for low-wage jobs . . . [that] further depress wages in this sector . . ." It projects that welfare recipients leaving the rolls in 1998 will outnumber new jobs two to one and living-wage jobs ninety-seven to one!

These are distressing discoveries. Yet, social welfare and economic policies in the United States have consistently failed to alleviate poverty among women, most particularly among those heading households. There is a high, and often unacknowledged, personal and social cost for women who are expected to fulfill family roles of both breadwinner and nurturer. And the work they have been forced to obtain affords neither they nor their families much security.

There is no doubt that higher education can make a substantial difference in the lives of many poor families. But, while a vital component in the formulation of social welfare and economic policies that seek to reduce poverty, it is only one piece of a very complex puzzle. The solution to poverty among women with children if seen simply as moving women into the workforce or securing their access to higher education, is shortsighted. If we measure welfare reform's success by reduced poverty rates and by permanent movement of parents into the labor force, then immediate attention needs to be focused on policies leading to this success. In addition to secured access to post-secondary and higher education, issues such as pay equity, minimum wage, job segregation, union affiliation, labor market opportunities especially in rural areas, benefits, and availability of supportive services demand our immediate and collective attention.

There are currently a few moves afoot to address some of these. Senator Paul Wellstone, (DFL-MN) is promoting legislation that would permit two years of post-secondary and vocational education to count as work under TANF. Senator Kennedy (D-MA) is putting forth legislation to increase the minimum wage. These proposals are crucial to overcoming some of the adversity that women face upon entering the labor market. They deserve our support.

CONCLUSION

Although made more difficult by the passage of PRWORA, access to higher education for low-income women with children is critical *and possible* to obtain in the current state and federal landscapes. The story of the *PaS* Program is an example of how it can be accomplished. Equally important for low income families, however, is the recognition by both advocates and policy makers that it is only one important policy among many that must be addressed in order to help families in the low-wage job market move out of poverty.

ENDNOTES

The terms "higher education" and "post-secondary education" are used interchangeably.

Joy K. Rice, "Including Education in Welfare Reform" in *Implementing Welfare Policy to Insure Long-term Independence and Well-Being* (Task Force on Women, Poverty & Public Assistance, Division of the Psychology of Women, American Psychological Association, May 1997) 8.

Johanna Finney, "Welfare Reform and Post-secondary Education: Research and Policy Update," *IWPR Welfare Reform Network News*, vol 2, no 1, April 1998, 2.

Wyoming also provides access to higher education.

Dorothy McBride Stetson, *Women's Rights in the U.S.A.: Policy Debates and Gender Roles*, Second Edition (New York: Garland Publishing, Inc., 1997) 137-138.

John Fitzgerald, *Working Hard Falling Behind: A Report on the Maine Working Parents Survey* (Augusta, Maine: Maine Center for Economic Policy, 1997).

U.S. Department of Health and Human Services, *Indicators of Welfare Dependence and Well-Being*, Interim Report to Congress (Washington, D.C.), October 1996.

Ibid. V-2.

See for example: Marilyn Gittel, Margaret Schehl, and Camille Fareri, *From Welfare to Independence: The College Option: A Report to the Ford Foundation* (New York: Ford Foundation) March 1990. Erika Kates, *More Than Survival: Access to Higher Education for Low Income Women* (Washington, D.C.: Center for Women Policy Studies) 1991.

Welfare Reform and Higher Education: A Fact Sheet of the One Dupont Welfare Reform Coalition (Washington, D.C.), 1997, 2.

Gary Becker, *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (Chicago: University of Chicago Press, 1993).

Economic Policy Institute, "Women's Real Hourly Wages by Education, 1973-1996" and "Men's Real Hourly Wages by Education, 1973-1996" (http://www.epinet.org/datazone/).

Robert I. Lerman, *Meritocracy Without Rising Inequality? Wage Rate Differences are Widening by Education and Narrowing by Gender and Race* (Washington, D.C.: The Urban Institute) September 1997.

Fitzgerald, 37.

Lazere, 10.

Women's Development Institute, *Who Gets Welfare in Maine?: A Survey of AFDC Families* (Hallowell, Maine: Women's Development Institute, 1995), 4.

Roberta Spalter-Roth, Beverly Burr, Heidi Hartmann, and Lois Shaw, *Welfare that Works: The Working Lives of AFDC Recipients. A Report to the Ford Foundation.* (Washington, D.C.: IWPR, 1995).

Economic Policy Institute, "Hourly Wages of Low-Wage Workers by State, 1979-1996" and "Low-Wage Labor Market Indicators for Division 1: New England, 1994-96" (http://www.epinet.org/datazone/).

Edward B. Lazere, *Maine's Families: Poverty Despite Work* (Washington, D.C.: Center on Bud get and Policy Priorities, 1996) 43.

Kathleen Mullan Harris, "Life after Welfare: Women, Work, and Repeat Dependency," *American Sociological Review* 61 (June 1996): 407-426.

Ibid. 416.

Measuring Maine's Economic Performance by the Week, publication of the Maine Development Foundation and the Maine Economic Growth Council, June 12, 1997: 1.

This assumption was predicated on labor market analyses showing that women were unlikely to have jobs with fringe benefits.

Stephanie Seguino and Sandra Butler, "To Work or Not to Work: Is that the Right Question? Gender, Methodology, and Welfare Reform." Draft paper, January 1996: 35.

Enrollees must be in a program that is likely to lead to employment, cannot already have a post-secondary degree or the skills to earn 85% of the State's median income (approximately $28,000).

This latter work requirement was consistent with Maine's policy prior to the enactment of PRWORA.

By comparison, Maine's combined TANF and ***PaS*** caseload is 15,800 families.

Allowing those already in college at the time that PRWORA passed a chance to finish.

Peter Schmidt, "States Discourage Welfare Recipients from Pursuing a Higher Education," *The Chronicle of Higher Education*, January 23, 1998.

In 1982 when the first Work Incentive Demonstration (WIN) Projects were announced by then President Reagan, advocates persuaded the Maine Department of Human Services to take this opportunity to demonstrate the anti-poverty impact of providing access to post-secondary education to welfare recipients. This Program, originally called "WEET", was eventually renamed "ASPIRE". Throughout the 1980's the program enjoyed considerable popularity, but as the recession of the early 1990's took hold and the national attitude toward welfare began to shift dramatically, it came under criticism for being "too generous."

Stephanie Seguino, *Living on the Edge: Women Working and Providing for Families in the Maine Economy, 1979-1993*. (Orono: Maine: Margaret Chase Smith Center, University of Maine, 1995).

This data looks at the wages and benefits of all persons who left assistance for work, whether they were working full or part time.

This data pertains to all AFDC recipients, including those enrolled in two and four-year post-secondary education. Since it includes those in post-secondary education who tend to have higher wages and greater incidence of health coverage, it will slightly overstate the average wage and percent of coverage for those who did not enter employment after completing a post-secondary education program.

Data for March, 1997 was not available from the Department, thus information for the third quarter of SFY 97 was averaged based on data available for January and February only.

Mark Weisbrot, *Welfare Reform: The Jobs Aren't There*, Preamble Center for Public Policy, 1998 (http://www.rtk.net/preamble).

OUT OF POVERTY: WHAT DO EDUCATION AND TRAINING OR A LABOR FORCE ATTACHMENT MODEL OFFER LOW-INCOME WOMEN IN CONNECTICUT?

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ABSTRACT

Welfare reform in Connecticut has produced a major shift in policy from a mixed human resource development and labor force attachment model to one that solely emphasizes labor force attachment. With 21 month time limits for TANF and few options for education and training available to recipients, they are being steered into low wage jobs. This paper presents the results of a research project undertaken by faculty and students of the University of Connecticut School of Social Work Community Organization Sequence in which 101 TANF recipients throughout Connecticut were interviewed during 1997 and 1998. Among other findings, those in the sample with more education and/or experience tended to fare better than those with less education, suggesting that Connecticut should revisit its policy on education and training, even under its 21 month time limit.

I. INTRODUCTION

Whatever might be said about the welfare reform instituted by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), it can surely be characterized as radical. In one fell swoop, this legislation eradicated the sixty-year-old Aid to Families with Dependent Children (AFDC) income maintenance program that guaranteed support for the children of poor, single parents. AFDC's replacement is the time-limited Temporary Assistance to Needy Families (TANF) program that requires work in exchange for benefits and caps the limit on public assistance at sixty months. At the same time, the PRWORA terminated the federal government's commitment to educate and train welfare recipients for employment and to guarantee them child care while participating. State governments are now free to decide for themselves how best to comply with the new federal mandate to move people off the welfare rolls before their time expires.

The nature of the "new" welfare system has led states to shift the goal of reform from assisting families in achieving economic self-sufficiency to moving people off the rolls without delay. Since the inception of welfare reform in the 1960s, two primary welfare-to-work models have been utilized toward these ends: labor force attachment and human capital development.

The thinking behind labor force attachment is that people best learn work habits and employment skills on the job, but since welfare recipients lack the informal connections to the labor market common among the middle class, they need assistance in locating employment. Implicit in this approach is the assumption that welfare recipients lack a proper work ethic, a defect that is best corrected through work experience. Labor force attachment programs are typically short-term interventions, such as job readiness training (e.g., filling out applications, creating resumes, practicing job interviews), job search assistance, supported work, on-the-job training and workfare.

By contrast, human capital development presumes that individuals seeking to enter the job market can enhance their attractiveness to employers through the acquisition of education and vocational skills. This approach includes such training programs, and thus represents a greater investment of funds and time than does labor force attachment.

Early welfare reforms consisted primarily of simple job search assistance. Manpower Demonstration Research Corporation (MDRC) research on the effectiveness of pre-1980s programs of this type found "modest" gains in employment and earnings, but could not indicate which groups within the AFDC population might be most effectively assisted, nor whether program impacts had any "durability" (Gueron 1989:368-369). States continued to favor enhanced job search assistance, probably because it is less controversial, less costly and easier to implement than workfare (Gueron 1989:372). Thus, research on the 1980s WIN demonstration projects found what David Greenberg and Michael Wiseman (1989:64) characterize as "small" impacts "usually in the desired direction." None of the programs investigated were found to have any impact on the types of jobs women found, which were typically gender-stereotyped, low-end service sector positions (Goldman 1989; Gueron 1989; Werner 1989).[1]

By the early 1990s, research on the expansive employment training programs established under the Family Support Act of 1988 indicated that comprehensive initiatives could assist women in obtaining jobs and increasing earnings (Gueron and Pauly 1991:27). Although it is difficult to compare data on a heterogeneous population participating in a variety of employment training programs and residing under different state and local economic and political contexts, the data suggested that individual programs providing both labor force attachment and human capital development programs increased the likelihood that AFDC recipients will begin what may be a long, slow journey toward self-sufficiency (Gueron and Pauly 1991, see D'Amico 1997, Friedlander and Burtless 1995). The most successful programs were those that carefully assessed women's needs, provided them choices in employment training experiences, and, in the case of Project Quest in San Antonio, spent a great deal up front in order to realize lasting gains (Friedlander and Burtless 1995, see Bloomer, Finney and Gault 1997).

Given research support for combined human capital development and labor force attachment programming, we expected to find that the current welfare reform program in Connecticut hinders the efforts of low-income, single mothers to enter the paid labor force. Operating under a strict regimen comprised of a state-imposed, twenty-one month time-limit, reduced cash grants and the work requirement of the PRWORA, Connecticut's Department of Social Services (DSS) decided in 1995 to eliminate human capital development programs in favor of labor force attachment. Henceforth, they announced, only those with severe barriers to employment would be eligible for education or vocational training, and even these individuals could access training only after a minimally-structured independent job search. Our intent is to document the ways in which the labor force attachment model adopted by the state welfare department in 1995 has affected TANF recipients in pursuit of employment that will allow them to support their families once their cash grant period expires.

We begin with a description of our research methodology, followed by a brief history of welfare-to-work in Connecticut. This discussion contextualizes the research project and allows us to compare past and present approaches. We then present and discuss our findings in the areas of the need for and access to education and training, access to employment, wages and quality of life. Our analysis of the data lead to the policy recommendations offered in conclusion.

II. METHODOLOGY

In order to document the experiences of women transitioning from welfare to work in the hostile social climate of contemporary welfare reform in Connecticut, students and faculty from the Community Organization sequence of the University of Connecticut School of Social Work undertook a two-year study of the effects of welfare reform on single women attempting to work their way off welfare.

Between October 1997 and March 1998, 101 personal interviews were conducted with current and recently terminated AFDC/TANF recipients throughout the state.[2] Participants were recruited through a variety of public and non-profit service organizations. Participation was voluntary and limited to individuals known to the agencies. Although the questionnaires addressed a variety of issues related to changes in the social welfare system and the shredding of the social safety net, this article presents data on the relationships between education and training, employability and poverty for women transitioning from welfare to work.

The project used the Action Research model of conducting inquiry for use by advocates, policy-makers, community participants and, in this instance, welfare recipients undergoing the transformation of the entitlement system (Rubin and Rubin 1992: 156-186; Reardon and Shields 1997). Given the massive and overwhelming nature of the changes in public assistance and the resulting confusion, both in the lives of recipients and among the personnel responsible for administering the new programs, we felt it imperative to document the ways in which these changes were actually impacting clients.[3] These experiences, we believe, must be made public in order to contribute to an ongoing process of reform. Our discussion takes into account some of the human costs of social policy as expressed by past and present recipients, a point of view generally under-emphasized or ignored.

III. WELFARE-TO-WORK IN CONNECTICUT: THE LOCAL CONTEXT

Plagued by consistently low participation and placement rates, Connecticut's 1970s Work Incentive, or WIN, programs were considered a resounding failure. But when the state legislature considered instituting a workfare program in the early 1980s in order to reduce the state's rolls, liberal views prevailed. A study committee created to consider the workfare proposal for AFDC recipients recommended instead the provision of "education, training and job placement" (Parisky 1983:9). From this point on, employability would be achieved through a comprehensive set of services, or what would now be considered to be a combined human capital development and labor force attachment model. This approach remained in effect for the duration of the state's WIN Demonstration Project in the mid-1980s and its subsequent Job Opportunities and Basic Skills initiative instituted under the Family Support Act of 1988. Simply stated, those who possessed the employment history and skills necessary to obtain a job would be given a quick review of job search skills and assisted with placement. Those who lacked this background would be educated and/or trained before learning job search skills and being placed in jobs.

Connecticut's welfare-to-work program was known as "the Job Connection." Administered by the state welfare department, the Job Connection contracted with outside agencies and organizations to provide employment training to AFDC recipients. Never a static initiative, the Job Connection expanded over time to meet recipients' needs and assist individuals in navigating around common barriers to employment. By the early 1990s, the Job Connection included an array of labor force attachment and human capital development components through contracts with community colleges, local Service Delivery Areas operating under federal Job Training Partnership Act guidelines, community-based organizations and local educational agencies (DIM 1988). Figure 1 represents the service delivery plan of the Job Connection at maturity in 1991 (DIM 1992a, 1992b).

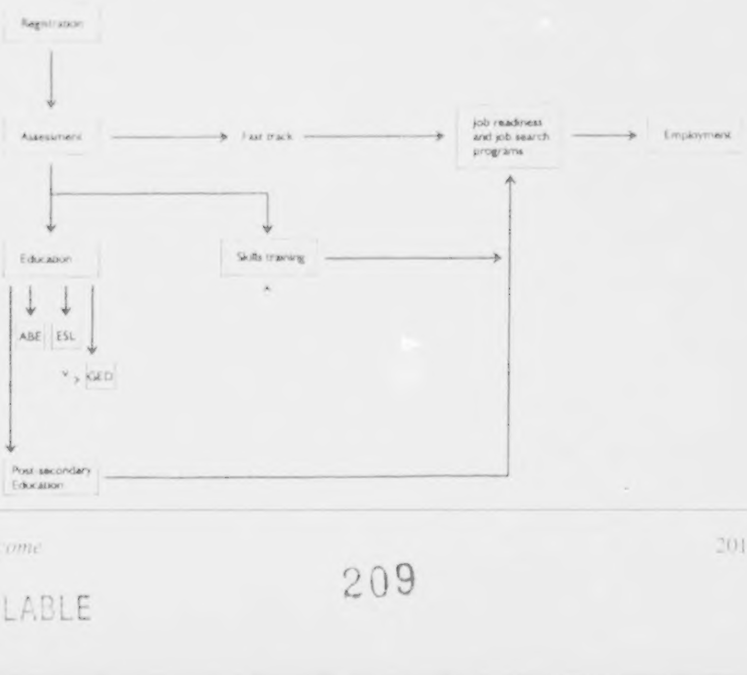
Responding to a national-level policy trend toward time-limited AFDC receipt, Job Connection staff initiated in October 1994 an experimental program called "A Fair Chance," which was designed to test the feasibility of a new set of incentives and sanctions to move recipients off welfare in a shorter period of time. To implement this component and several others, the DSS had to request and obtain a waiver from federal AFDC regulations, as well as to agree to conduct a formal, independent evaluation of program effectiveness. The hope was that the results would yield information leading to further reform of existing programs (DIM 1993a).

But a Fair Chance never had the chance to test its model. Conservative Republicans gained control of the governorship and the state Senate during the 1994 general elections, drastically altering the environment of reform. The new governor, John Rowland, ran on a platform which included a ten-point plan to reform the welfare system. Ignoring the ongoing, multi-year evaluation of A Fair Chance, Rowland called for "a complete overhaul of the system from top to bottom" (Rowland 1994:1). The new conservative government began a new round of deliberations on welfare reform during the 1995 legislative session.

The resulting debate had little to do with the strengths and weaknesses of the Job Connection. As was the case in six other states reviewed by Donald F. Norris and Lyke Thompson (1995:229), "welfare reform [is] not an exercise in a rational policy-making process, [and does] not involve the use of prospective policy analysis." The issue is simply too "high-profile... and conflict [is] the prevalent political process." In Connecticut, the debate revolved around welfare dependency, the tone was

FIGURE 1

COMBINED HUMAN CAPITAL DEVELOPMENT AND LABOR FORCE ATTACHMENT MODEL OF THE "JOB CONNECTION"



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punitive and the analysis was purely ideological.

The result was a piece of legislation that earned Connecticut the distinction of being the state with the most punitive AFDC program in the country at that time. The salient reforms were an immediate cut in AFDC benefits intended to force women into the labor market to support their families, and a "drop dead," twenty-one month time limit on AFDC recipience.

In response to the immediate need to move an estimated 42,000 welfare recipients into employment, the DSS transformed the Job Connection from a combined human capital development and labor force attachment program to a primarily labor force attachment model. Job Connection was replaced with "Reach for Jobs First," later amended to simply "Jobs First," whose original service delivery plan is represented in Figure 2, known as the "funnel" schema. Henceforth, all recipients would be expected to conduct an independent job search with minimal child care and transportation assistance. Education and training would be limited to a small number of recipients, such as women under the age of 20 who had not completed high school. But even some of these recipients might be required to seek employment while taking classes. Those who were offered work and refused it without "good cause" would be sanctioned with a reduction or elimination in benefits (CABHN 1997).

IV. FINDINGS AND DISCUSSION

Given the context described above, what, we asked, can Connecticut's labor force attachment model offer single mothers laboring under a twenty-one month time limit on public assistance? How has the program impacted their lives? Our interview data report findings in six areas: program transformation, educational attainment and employment, vocational skills training and employment, earnings, locating employment and quality of life.

1. The Process of Transformation

DSS eradicated the Job Connection and implemented the Jobs First labor force attachment model during the first few months of 1996. The immediate impact of this shift, as reported by recipients and advocates all over the state, was mass confusion. Hard information was scarce, rumors abounded and the system basically ground to a halt while new rules, regulations and procedures were created.

In the first year's report released by our research group in March 1997, almost a year after the institution of Jobs First, less than one-third (28.7%) of TANF present and former recipients reported that they understood the new rules. Another third (29.7%) understood the rules "somewhat," with 36.6% reporting that they were "somewhat" or "very confused." This residual confusion is an important indicator of the chaos created by the institution of a new system whose contours were unclear, even to many DSS staff. Ongoing inconsistencies among DSS regions and caseworkers in administering the new program persist. Because DSS is only this year engaged in the elaboration of a services delivery model for a modified welfare-to-work program, those who had the misfortune to pass through the first two years of Jobs First have not had the advantage of up-front assessment, education and training options and a meaningful employment plan with a reasonable schedule of activities. They have borne the brunt of an entirely new system that has left the majority confused and has forced women to take actions that may not be in their best interest.

2. Educational Attainment and Employment

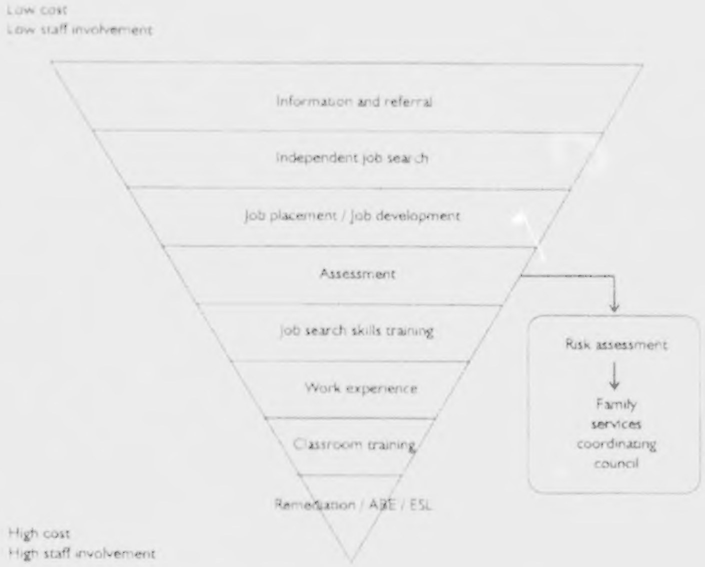
Roberta Spalter-Roth et al. (1995) demonstrate that women who lack higher education or non-traditional job training tend to work in lower paid occupations. The same study also found that a high school education or its equivalent is not only a requisite for application for many jobs, but that those with low educational attainment are completely denied access to many professions.

The Job Connection consistently reported around 60% of program participants lacking a high school education (DIM 1988, 1990, 1992b). Recent DSS data indicate that 45% of TANF recipients lack a high school education (DSS, 1998). Our study of current TANF recipients reveals that 35% had not completed high school. We thus suggest that the reader keep in mind that we may have captured a population slightly higher in educational background and work history than the overall TANF population.

In our study, 37% of respondents had completed high school or obtained a GED, and 30% had more than twelve years of education. We also found that in all job categories in which TANF recipients found employment, those with less education were less likely to be employed. While only 9% who lacked a high school diploma or its equivalent were working, 36% with a diploma or its equivalent were working and 50% with post-secondary education were working. Not surprisingly, wages increased with education. Those without a high school education earned an average wage of $5.85 per hour, while those with a high school education were earning an average of $7.03 per hour, and post-secondary educated women earned $8.10 per

FIGURE 2

LABOR FORCE ATTACHMENT
MODEL OF "REACH FOR JOBS FIRST"



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hour.

These figures suggest a relationship between higher educational levels, employment and higher wages. Though none of these figures necessarily means that working women will be able to maintain their families once their TANF grants end, they do support the findings of Spalter-Roth et al. (1995) with respect to the difficulty faced by welfare recipients seeking above-poverty level wages without higher education or non-traditional job training.

3. Vocational Skills Training and Employment

The specific numbers of Job Connection participants who were enrolled, at any given time, in education, training and job search are impossible to calculate from DSS reports. It was common for women to first complete education and/or skills training programs, and then pass into job search or job placement services, often at the same agency. However, we can glean from DSS reports for the 1990s that a consistent number of women, approximately 45%, were enrolled in education programs, 20% in vocational skills training, 15-20% in higher education and 20% in job placement activities(DIM 1992b, 1992c, DSS 1994).

Many of the TANF recipients we interviewed had been the beneficiaries of now-defunct Job Connection programs. Sixty-seven percent report having received vocational training in the past and 12.5% report participation in previous educational activities, a factor which may explain the slightly higher wages reported by our sample. Only 6% claimed participation in past job search activities. A significant feature of Jobs First's labor force attachment model is the severely limited opportunity for education and training. Although 62.4% of respondents reported that they were currently involved in job search or vocational training activities, 49% of that number were enrolled in job search and 35% in vocational training. Moreover, job search is mandatory for TANF recipients **before or during** referrals to vocational training under Jobs First. And training programs must be very short in duration (an average of 3 months in our sample) to fit within the twenty-one month time limit, allowing time for job search before and after graduation.

Respondents who had training in the past are more likely to have worked in the past or be currently working than those who have had no training. Sixty-five percent of TANF recipients currently working had some past training, and 60% of those who were unemployed had no past training. Training in specific fields has never been tied to employment in that area, so it may be the case that **any** work or training experience provides an edge in job attainment. Hence, to severely limit job training opportunities for those entering the workforce may be extremely counter-productive, particularly in the low-wage end of the labor market where job seekers far out number job openings (see Holzer 1996).

4. Earnings

Although our sample report average earnings among TANF recipients of $7.27 per hour, the DSS is currently reporting an average of $6.29 per hour statewide(DSS 1998). Under Job Connection, the average placement wage for 1992 was as high as $6.62 per hour, and had not been lower than $6.29 since 1989, when the average placement wage was $5.52 per hour (DIM 1989, 1990, 1992a, 1992b, 1992c, 1993b, DSS 1994).

Perhaps the most relevant data with respect to earnings is not how much per hour, but how many hours per week TANF participants are working. Here the DSS reports clearly reveal the weakness of labor force attachment: of the time limited clients statewide, only 53% are working, and of that number, 22% work 19 hours or fewer per week, 17% work between 20 and 34 hours per week, and 14% are employed for at least 35 hours per week. The average monthly income statewide is $711 (DSS 1998).

These figures have serious implications once women reach the end of their time limit on assistance. Under Connecticut's TANF arrangement, working recipients may keep TANF cash income **and** earnings up to the poverty level. But TANF benefits terminate at twenty-one months, leaving those who are working part-time at $6.29 per hour with an income that can support no one.

5. Locating Employment

Although 76% of our sample had worked during the last five years, only 30% were currently employed, suggesting some tenuous attachment to the labor force by many of these women. Within the total sample, 61% reported problems finding a job and identified the following barriers to employment: 50% have transportation problems, 37% lack adequate child care and 26% feel themselves undereducated. Seventy-nine percent of women with less than a high school education reported more difficulty finding work, but even 66.7% of those with a diploma were having problems. Of those with post-secondary education, 59.3% reported having trouble finding work, while only 40.7% did not.

A full 59% of interview respondents have come to believe that there are few jobs available for them, and 24% of our sample claim that the jobs available pay less than a living wage. However, any recipient offered a job must accept it or face a sanction of a reduction of cash assistance for three months.[4] Thirty percent of respondents indicated they fear sanctions for refusing or quitting their jobs. This fear is well-founded, since 31% of those in our sample who had been sanctioned had suffered this consequence as a result of their quitting their jobs.

Close to 40% of Job Connection graduates who found employment during the early 1990s were concentrated in clerical work, a field which requires both education and vocational training (DIM 1992a, 1992b, 1993). Our TANF sample found employment in equal numbers in: 1) retail sales at an average hourly wage of $6.03 per hour, 2) child care or human services for between $7.50 and $10.00 per hour, and 3) clerical work, paying an average of $7.50 per hour. Wages in our sample ranged from $5.68 for food service work to over $10.00 per hour for child care/human services work. But 58% of those employed when interviewed worked fewer than 35 hours per week.

As Daniel Friedlander and Judith M. Gueron (1992:159) warn, the local environment, which they describe as a "constellation of factors [including] labor market conditions, AFDC grant levels, and the number, capacity, and quality of community training institutions," is a determinant factor affecting AFDC recipients' abilities to obtain jobs without program assistance. Although the Jobs First program was instituted in the midst of an economic recovery that has generated lower than average unemployment rates, the positive aspects are not shared evenly across the state. Five of the six largest cities suffer from unemployment rates exceeding the statewide average. Hartford, the state capital, is home to the state's largest public assistance population and consistently suffers the highest unemployment rate in the state. In 1997, unemployment was 9.2%, as compared to 5.2% for the state as a whole (CABHN 1997).

Most new jobs created during the recovery are in services and wholesale/retail sales, 65% with businesses of 100 or fewer employees. But above all, it is critical to note that "the jobs being created now in Connecticut pay 30-50% less than the jobs that were lost during the recession" (CABHN 1997:7). This is the economic climate into which TANF recipients are being expelled, with little hope of obtaining self-sufficiency level wages.

6. Quality of Life Issues

As Greenberg and Wiseman (1992:31) point out, the effectiveness of employment training for welfare recipients typically focuses on "employment, earnings, and welfare utilization." Quality of life is not addressed. This is the gray area described by Barbara Goldman (1989) as "situational problems," or the difficulties people experience in attempting to comply with varying, and often contrasting, sets of requirements in families, on public assistance, at work and in the community.

Child care arrangements continue to be problematic, with 50% of our sample using relatives as caregivers, and another 16% using friends. These are known to be the least stable situations, since a change in the lives of caregivers can mean the sudden termination of services. Only 16% had their children in day care centers, with another 11% in after-school programs. Only 32% reported that their child care arrangements were working out to their approval.

A full 45% of interview respondents reported moving during the past year. A quarter of that number changed residences because they could no longer afford the rent. But only 26% were receiving some form of rental subsidy. Twenty nine percent were unable to pay rent at some point during the year, and 18% had their utilities terminated for that reason. Another 30% lost their phone service. Although 73% receive food stamps, 39% resort to food pantry services, and 17% take their families to soup kitchens.

Sixteen percent of our sample have been sanctioned primarily for leaving employment. Many individuals in our study report having worked at particular jobs for short periods of time, sometimes a few days or few weeks. They left their jobs for a variety of reasons including being laid off, the job being temporary, the company closing down, finding a better job, personal and family health or mental health problems, pregnancy, problems with peers or supervisors, bad working conditions, changes in hours or shifts and child care and transportation problems. There is little evidence that personal interests, skills, goals or are considered in any meaningful assessment or that training or work experiences are planfully arranged by either DSS staff or the network of non-profit sub-contractors who operate Jobs Clubs. In many situations, individuals are attending training programs or working at a specific job because they were mandated by DSS to do so. It is not surprising that 48% are very concerned about losing their benefits, and 31% are somewhat worried about his possibility.

V. RECOMMENDATIONS FOR REFORM OF WELFARE REFORM IN CONNECTICUT

1. Recent Efforts

In the 1998 Connecticut legislative session, advocates advanced a program of incremental changes to Jobs First that attempted to keep within the basic framework of TANF while correcting some of the program's most egregious features. We also hoped to expand or take advantage of federal initiatives that would humanize the Connecticut program to a very modest degree. Among several pieces of legislation, three major proposals were advanced: 1) the establishment of a Refundable Earned Income Tax Credit (REITC) for the state income tax; 2) increased job training options for TANF recipients that would take advantage of federal welfare-to-work money allocated to Connecticut and provide earlier employment assessment and referral for TANF recipients contending with the twenty-one month time limits, and 3) an increase in the minimum wage in Connecticut. The REITC proposal was defeated. The version of job training legislation that did pass contained provisions that included a mandate for assessments of TANF recipients within the first six of their twenty-one months, some expansion of transportation and child care funding. The legislature also called for the establishment of statewide self-sufficiency standards, but simultaneously determined that these figures not be used as the basis of evaluation of TANF programs. The state's minimum wage was raised in two stages: to $5.65 in 1999 and $6.18 in the year 2000.

During the legislative debate, the DSS Commissioner lobbied vigorously against expanding vocational training opportunities in the manner suggested by advocates, asserting that such program changes would run counter to the purpose of Jobs First and undermine its intent. Despite documentation by advocates that demonstrated how their proposals would make better use of federal funds earmarked for welfare-to-work activities and increase the ability if Connecticut to meet federal work participation requirements for TANF recipients, the Commissioner staunchly maintained her position and as a result, legislation eventually enacted contains only minimal additions to job training options for TANF recipients.

2. Alternative Approaches

After Jobs First was in operation for over a year, the welfare department began contemplating specific changes. The Balanced Budget Act of 1997 provides $3 billion in grants to states and localities for work or work-readiness activities, which may include job readiness, employment services and job support services, administration of community work activities and on-the-job training. These grants will be administered by the federal Department of Labor. Some $12 million was allocated to Connecticut. If serious consideration was given to the most effective means of moving TANF recipients into employment in which they could earn sufficient wages to support their families, education and vocational training would certainly be more central features of program design. Even in our small sample, it was clear that those with more education, training and experience fared better than those without. So one must ask what is gained by the state's insistence on limiting these options, particularly in a period in Connecticut's economy in which higher skilled/higher wage jobs may go unfilled, while there are insufficient lower wage/lower skill jobs to employ those leaving TANF.

We argue for up-front, comprehensive assessment, particularly if the twenty-one month time limit remains in force. Those with the greatest barriers to employment will likely need TANF for the full amount of time and will require the earliest possible assessment if the twenty-one month time limit remains in effect.

All evidence points to the need to reinstate education and training programs, including an expansion of opportunities in community colleges at the very least, more customized job training in which both those seeking jobs and those hiring workers would benefit, support in job retention efforts, incumbent worker training and skills upgrading opportunities. Currently provision for post-secondary education for welfare recipients is being debated on the federal level. This debate should in Connecticut as well. Finally, in order to put working mothers' minds at ease, we call for guaranteed, safe and affordable child care for all children.

Adherence to the twenty-one month time limit need not remain sacrosanct if the goal would be to reduce poverty versus reducing the number of program clients. As Gueron and Pauly (1991:12) suggest, it is difficult to concurrently achieve the distinct objectives of getting people into better-paying jobs while saving the state money. They note that:

mandatory job search ... [for] large numbers of people ... by itself usually will not get people better-paying jobs or benefit the more disadvantaged. Providing higher cost more intensive services to a selected population can get people jobs with somewhat greater earnings, but will produce lower welfare savings for dollar invested" (1991:12).

VI. SUMMARY

In the pursuit of reducing the welfare rolls to save the state money, Connecticut's conservatives have ignored the data on what works and what does not. It is striking that those concepts that historically have been the backbone of job training programs, the human capital approach, have been cast as too liberal or permissive when it comes to dealing with those on public assistance. However, characterizing the human capital approach as too permissive gives current policy makers their justification to push the labor force attachment model, a model that has never been capable of converting welfare recipients into self-sufficient workers. Only a time limit that literally throws people into a labor market that cannot even promise them a living wage can lower the welfare rolls. But that option will likely engender more problems for Connecticut than it pretends to resolve.

It seems apparent that reducing poverty and humanely reducing the welfare rolls require far more than even the human capital approach provides. Structural issues within the labor market and the nature of actual employment opportunities are critical variables in the success or failure of changes to the welfare system. Moreover, such factors as the ability of women workers leaving welfare and entering the low wage workforce to gain economic security through strategies such as unionization, as well as their ability to mobilize politically will ultimately shape their futures in very significant ways.

ENDNOTES

[1] Early data on the Employment Training (ET) Choices program in Massachusetts, which offered an array of services including both labor force attachment and human capital development approaches, found that the jobs women obtained tended toward the service sector, but fewer were located in retail, which is the lowest paid portion of the service sector (Werner 1989).

[2] In addition, 418 self administered questionnaires were distributed among current and former General Assistance and AFDC/TANF recipients. These data are not included in this report.

[3] Our research is also important because the Connecticut's Department of Social Services has attempted to control the production and dissemination of information concerning the changes in the welfare system. For example, few social agencies with large DSS contracts agreed to cooperate with this independent research project. We felt that some balance was necessary in order to counter the information commonly distributed in government reports.

[4] During the twenty one month time limit, any individual who fails to comply with any of the DSS rules or regulations may be sanctioned. The first sanction results in the reduction of cash assistance for three months. A second sanction results in a greater reduction, and the third sanction eliminates cash assistance entirely. To prevent the latter eventuality, the individual should be referred to a private agency for individual case management and the development of a performance contract.

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MOVING FAMILIES FROM WELFARE TO WORK: SAN FRANCISCO TANF RECIPIENTS AND FEDERAL WELFARE REFORM

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Stacey Leyton, Stanford Law School

ABSTRACT

Our paper offers an in-depth study of the impact of federal welfare reform work requirements on the recipients of family aid (now known as Temporary Assistance for Needy Families, or TANF) in the City and County of San Francisco. We confront this challenge by examining the characteristics, skills, and needs of the local TANF population and the labor market in the Bay Area. We next examine the spectrum of welfare-to-work models, which range from a pure work-first approach to an individual evaluation-centered program. We then examine the "Express to Success" program, run by the City and mandatory for TANF recipients, representing San Francisco's newest attempt to grapple with the welfare-to-work challenge. This examination includes a fleshing out of the philosophy, accomplishments, and shortcomings of the program. Finally, we make our recommendations about how we think welfare-to-work could best be accomplished in San Francisco.

Our methodology — a detailed analysis focusing on the characteristics of a particular local population and labor market – represents a fresh and valuable perspective on welfare reform efforts. Thus, while our paper is in one sense specific to San Francisco, the structure and content of our work can nonetheless offer valuable lessons for other states and localities. Additionally, our critique of the motivational curriculum of the motivational curriculum designed by Curtis & Associates, which is being used across the country as the cornerstone of increasing numbers of welfare-to-work programs, is to our knowledge the first of its kind. Our paper also benefits from the rich array of primary source material upon which we relied. Our research relied on personal interviews with more than twenty-five welfare recipients, advocates, and city officials, several weeks worth of participation in the City-run Express to Success program as well as classes and programs run by non-profit organizations. To develop realistic expectations of the availability of jobs, pay scales and day-to-day expenses of San Francisco residents, we analyzed government data about the characteristics of jobs, housing, and child-care costs.

This paper is a much shorter version of a longer work that is available upon request.

I. THE WELFARE REFORM CONTEXT

A. Characteristics of San Francisco's TANF population

Welfare reform will have upon thousands of San Franciscans, the following help illustrate the complexity of the responses that are needed. Reform must address the particular needs of a relatively young, ethnically and linguistically diverse, predominantly female population. A successful welfare-to-work effort should rely on existing community-based programs and be individually tailored to the needs of TANF recipients. Moreover, it should strive to address the economic needs of families living in an expensive urban environment. Reform must also provide child care for the range of ages and needs of children in families receiving TANF.

Numbers of TANF Recipients in San Francisco

- 8,996 single parent families with 14,687 children. 91% are headed by women.
- 2,256 two parent families with 4,888 children.
- Total recipients: just over 30,000 adults and children. Just over 10,000 women and 3,000 men, along with 17,000 children.

Age of Parents and Children

- Most (82%) adults in single parent families are between the ages of 20 and 44. Over half are ages 35 and under. In two parent families, one-third of adults 35 and under, 69% are between 30 and 49.
- 18% of children in TANF families are under two years of age (the most expensive age for child care), 20% are between two and six, and 33% between six and eleven (the least expensive).

Family Size

- 53% of TANF single parent families and 33% of two parent families have one child, 29% and 33% two children, and 12% and 20% three children. Average family size is 1.65 children for single recipient and 2.19 children for two parent families.

Ethnic and Linguistic Breakdown

- Ethnic breakdown demonstrates racial nature of poverty. Among single parent families, 47% of recipients are African American, 20% Asian, 18% Latino, 11% Caucasian, 2% Russian and 1% other. Among two parent families, the percentages are 56% Asian, 15% Latino, 13% Russian, 7% Caucasian, 7% African American, and 2% other.

  26% of adults in single parent families and 74% in two parent families do not speak English as their primary language (24% primarily speak Chinese, 18% Vietnamese, 13% Russian, 10% Spanish, 2% Cambodian and 6% other languages).

Educational Background

- 49% of participants in San Francisco's GAIN program have neither a high school diploma nor a GED.

B. Work Patterns of TANF Recipients

While these statistics are not available for San Francisco specifically, general data are extremely important in analyzing the reasons why TANF recipients are not able to meet their economic needs through the private workforce.

Work Activity

- Work Pays Demonstration Research Project: 14% of female AFDC recipients were working while on AFDC, 15% had last worked within the past two years, 41% had not worked for over four years, and 12% had never worked.
- Institute for Women's Policy Research (IWPR): 40% worked 950 hours per year, 30% were working limited hours and/or actively looking for work. Mothers with young children least likely to work. 37% of welfare mothers worked in low paying service and retail occupations.

Cycling on and off of Welfare

- 56% of all recipients leave welfare within one year, 70% within two years, and 90% within five years.
- Between one-third and two-thirds of these "welfare exits" are due to the adult member of the household finding work.
- 40% of those who leave welfare due to work end up returning within one year, two thirds within three years, and 70% within five years.
- Study of GAIN asked participants why they had left their jobs: 25% reported having been laid off, 13% had been fired, 21% said that the job had ended, and 41% quit.

C. Potential Effect of Federal Mandates

- Federal work mandates will require 2,030 adults from two parent families and 3,938 adults from all families to be working by

1999; 5,626 adults from all families by 2002.

- Federal 5-year time limit, if in effect today, would exclude 35% of single parent families (3,000 families) and 38% of the two parent families (840 families) = over 8,000 children.
- Federal 2-year time limit (which requires work and work-related activities) would affect 63% of single parent families and 66% of two parent families.

D. Economic Needs of San Francisco's TANF Population

In assessing the prospects of moving families from welfare to work, policy makers must consider what level of income families actually need in order to survive in San Francisco. Determining what a family needs in order to achieve self sufficiency is particularly important given the new time limits for receiving welfare: if a family does not earn enough to make it after five years, they will be left with no recourse. As San Francisco strives to meet the federal work requirements, the goal should be not only to encourage recipients to work, but to try to help recipients find jobs that will move them out of poverty and toward self sufficiency.

We have used three reference points to assess what a family needs in order to live: first, current benefit levels, second, poverty levels as defined by the state and federal government, and third, analysis of the specific costs of living in San Francisco. The following statistics are for a three-person family and assume that a single adult is working 35 hours per week.

- TANF Maximum Grant (including Food Stamps): $880 per month, equivalent of a $6.29 hourly wage.
- Poverty Measures: poverty guidelines $12,980 ($7.73 hourly wage); economically disadvantaged (JTPA standard) $14,900 ($8.87).
- Measures proposed by advocacy organizations based on recommendation that rent not exceed 30% of income: $15.27 per hour for fair market rent for one bedroom apartment; $13.69 for lowest cost apartment advertised.

II. LABOR MARKET BACKGROUND

While the specific results are not included for purposes of this paper, we examined economic data about the San Francisco Bay Area and its implications for work related issues in welfare reform. First, we examined economic trends in the Bay Area and specifically in San Francisco: which industries and occupational categories are growing and/or creating job openings. Second, we examined the pay rates for the occupational categories that are projected to enjoy the greatest numbers of job openings (included are both entry level pay rates and pay rates after working for one company for three years).

From this information, we categorized occupations according to how well they would support a single family with two children, where the head of household was working 35 hours per week. Occupations then fell into five categories: first, those that would pay *below current TANF grant levels* (mostly retail and sales positions or food service and preparation, in addition to some service and manual labor jobs); second, those that would leave a family below *economically disadvantaged* status (predominantly service and clerical positions); third, jobs that would raise a family out of economically disadvantaged status but still leave them *rent poor* (professional occupations, skilled clerical positions, managerial positions, some skilled trades, and financial sales and service); and fourth, occupations that pay well enough to *live well* in San Francisco.

Within each category, we assessed the level of education required in order to obtain each position, opportunities for promotion, and identified whether there are sufficient job training and education programs in San Francisco to prepare people for these occupations. Jobs in the first category (*below current grant levels*) generally required very little formal education or training; though some programs are available, there are also few opportunities for advancement into better paying positions, especially without additional education. Positions in the second category (*economically disadvantaged*) generally required a high school or equivalency degree; some required additional skills or training. Opportunities for advancement were still limited, at least without additional education or training, but there were greater opportunities for small incremental wage increases. There are local training programs that prepare individuals for these occupations, but some gaps are identified. The third category (*rent poor*) includes positions that offer solid opportunities for advancement and/or pay increases, but usually require training in very specialized schools and at least some college education. The fourth category (*living well*) has steep educational requirements.

Our research on the local job market led to three primary conclusions. First, jobs which are available to those without a high school education offer little opportunity to leave poverty status. Second, education and training significantly heighten opportunities for advancement, regardless of the specific occupation. Third, there are skilled jobs that will have large numbers of job openings for which there are not currently enough slots in training programs — San Francisco should focus on creating training and educational opportunities in these areas.

III. WELFARE-TO-WORK MODELS

Our basic philosophy is that a welfare-to-work program should help welfare recipients gain real job skills that will enable them to make enough money to support themselves and their families. A successful program should raise the standard of living of its participants, not just reduce the welfare caseload. This premise led us to be critical of "work-first" programs such as Express to Success.

A. Work-first versus Individualized Assessment Models

Welfare to work programs fall across a spectrum from "work-first" programs to individualized job assessments. Work first models emphasize moving aid recipients off welfare and into work as quickly as possible, rather than providing vocational training or education. Proponents stress that work-first programs have high placement rates and are efficient and inexpensive for states to operate. Although graduates of work-first programs are often able to obtain only low-paying jobs, adherents answer that any job is better than none at all and that experience gained in an entry-level job are significant. In particular, work-first supporters emphasize the importance of learning "soft skills" that are needed to hold any job, such as dealing with supervisors, handling conflicting demands, and arriving at work on time.

At the other end of the spectrum lie individual assessment programs which evaluate each participant through a battery of tests to determine her physical, mental, and educational capabilities and work preferences. Evaluation of work readiness can be followed with simulated workdays so that the clients can get an accurate feel for different types of work. Although individualized programs can be comparatively expensive to run, advocates of the approach stress that these programs result in high job retention rates and greater long-term benefits to graduates.

Between these two extremes lie a great variety of job training options. San Francisco, for example, has more than fifty vocational training, educational, and job assistance programs, most run by non-profit organizations, which stress job readiness skills, specific occupational skills, or education. The wide variety of private programs, some of which already serve the TANF population, has some important implications for San Francisco's redesign of job programs. First, it indicates that many different approaches can be effective in readying aid recipients for work. Second, the success of TANF recipients in programs which train for more skilled, higher paid jobs indicates that many individuals in this population are capable of high level work.

B. San Francisco's Express to Success Model

Against this background, a major part of our research involved a qualitative and quantitative assessment of San Francisco's current welfare-to-work program, "Express to Success" (ETS). ETS is part of California's work program, GAIN. DHS contracts out the ETS curriculum to Curtis & Associates, a Nebraska consulting company which specializes in motivational training. The Curtis curriculum, a modified work-first approach, is widely used; at least nine other states use the Curtis materials to help aid recipients move off of public aid. The Curtis curriculum, entitled "Steps to Self Sufficiency: How to Successfully Find and Keep a Job," teaches some limited job search skills like filling out job applications, interviewing practice, and job hunting tips. But the focus is on giving participants confidence and motivation to help them find work, as well as emphasis on the value of working outside the home, which the Curtis materials refer to as a preferred "lifestyle."

During the week-long workshop, each participant is encouraged to actively participate, for example by waving green flags to support her peers and red flags to censure them. Participants give themselves alliterative "positive nicknames" like "Able Alicia," and are encouraged to identify job skills that they already possess – math skills and financial planning from living on AFDC grant levels, for example, or caring and patience from raising a family. The curriculum proceeds through a set of motivational and confidence-building exercises, each with a clear point and moral. For example, one activity involves playing a game of "hot potato" with a paper bag. Inside the bag, participants are told, is a pair of bloomers; the loser will have the wear them for the rest of the day. When the unhappy participant opens up the bag, she finds not underwear but a flower. The point? The trainer explains that, just like the contents of the bag, an initially unattractive job may turn out to be a positive experience.

After the classroom portion of the program, participants move into the "network center" where they begin their job search. Each participant is required to spend six weeks looking for a job; the two main methods encouraged are informal networking and cold-calling employers from the phone book. The Curtis curriculum strongly encourages participants to take any job they are offered; although the San Francisco staff does stress that each participant should find a job which is a good "fit" for her, the overall emphasis is on moving into the paid workforce as quickly as possible. If a participant does not find a job after six weeks in the network center, she is sent for a skill assessment performed by a local center.

During the ETS program, participants have access to a variety of supportive services such as tokens for public transportation to and from the center, access to phones, Goodwill vouchers with which to purchase work clothing, and the opportunity to meet with representatives from the Children's Council who will help arrange child care while the client is at the center.

Express to Success appears to accomplish its goal of moving participants quickly into paid employment. From its inception in 1996 through September 1996, for example, 312 individuals found employment through the program, earning an average of $6.89 per hour. Some participants we spoke to found the program an effective motivator, enjoyed the camaraderie, and felt supported by the ETS staff. Yet this success may be overshadowed by many weighty critiques leveled at the program.

(1) ETS does not employ up front assessment of its clients. Rather than testing clients to assess their individual needs and barriers to work, ETS uses the labor market as its test. In the face of Draconian time limits on receiving benefits, many advocates argue that the cookie-cutter approach wastes the valuable time of program participants and staff.

(2) ETS employs one model for all clients and ignores the diverse needs of TANF recipients. Participants with well-defined preferences for education, vocational training, or with extensive work or educational backgrounds may not be able to get what they need from the largely motivational curriculum. Nor is the program able to adequately assist participants with overcoming serious barriers to work like domestic abuse or drug or alcohol addiction.

(3) ETS focuses on motivation at the expense of education or job training, and thus moves people into low-paying, dead-end jobs. Many welfare advocates believe that only education or vocational training can really help public aid recipients move off of welfare, and that motivation cannot make up for a lack of well-paying jobs available to the largely unskilled population served by ETS. Critics of the ETS program, and of work-first models generally, are concerned that programs like ETS push people into low paying positions without any real hope of advancement. In this view, many people are on public assistance because they lack the skills that could enable them to support themselves and their families; pushing them into the low end of the labor market without truly addressing this problem leaves them without any real hope of leaving poverty.

(4) ETS graduates have poor job retention. Perhaps because the program has not adequately addressed barriers to work, job retention has been poor; at least half of individuals who find jobs through ETS don't keep them longer than just one month.

(5) The program treats people in a demeaning way. Some people are offended by the motivational approach. For example, one client described the atmosphere as "Romper Room"-like and complained that she was being insulted and treated like a child.

(6) Not enough job development takes place at ETS. Some critics argue that ETS must make more of an effort to create and maintain relationships with employers to help clients find jobs.

(7) The ETS program cannot handle the increased caseload required to comply with the federal bill's work requirements. Low turnout is already a problem at ETS. But it is also critical to the continued viability of the program. Nearly everyone agrees that one positive aspect of the program is that it provides personal attention to clients; some ETS staff believe that this close interaction alleviates the need for formal screening and intake mechanisms. Yet the program would need to quadruple in size in order to comply with federal requirements.

IV. RECOMMENDATIONS

In recognition of the diversity of capabilities, interests, backgrounds, and needs of San Francisco's TANF population, we offered a series of recommendations which are guided by a commitment to a multi-faceted, flexible approach for all clients. This approach would include Express to Success, job training, remedial education, access to college education, and job creation by both the private and public sectors.

(1) Incorporate up front assessment as an initial step in the Express to Success program.

Utilizing the labor market to test welfare recipients' ability to succeed and referring only those who fail to alternative programs presents many problems. Instead, clients should first speak with a DHS worker who makes available to the client a vocational assessment and information about resources for job training and placement. Since the funds would not be available to pay for in-depth vocational assessment for all TANF recipients, we suggest a two pronged approach. First, provide initial assessment for all clients including interviews with trained vocational assessment personnel and standardized tests. Second, pilot with a smaller client group a more in-depth vocational assessment so that it will be possible to measure the results of offering such services. The assessment process need not be lengthy, but it does need to be long enough so that the evaluator can asses the participant's work readiness, skills, interests and barriers to employment. We also envision a heavy informational component to the assessment; the evaluator would help educate the client about the various vocational and educational programs (and support services) available in San Francisco, and together they would try to come to a decision about what would be most beneficial to and appropriate for the client.

(2) Allow participants to forgo the ETS program in favor of appropriate job training, education, or rehabilitation services, even if they are not already enrolled in such programs.

Just as mandatory educational programs are not effective for those who do not wish to go back to school, mandatory motivation programs are not effective for those who desire no motivation. The ETS curriculum is not appropriate for all TANF recipients. The great variety of thriving and successful job training and search programs other than ETS in San Francisco can nicely complement the standard GAIN program, especially those programs which provide training in discrete areas. GAIN already exempts people who are enrolled in training programs, but the DHS should additionally offer clients information about all their available options and allow individuals the choice of which program to enter. If relevant, participants should also be informed about available drug and alcohol treatment programs, domestic violence programs, and other essential support services. If this information sharing took place after an initial assessment of barriers and job readiness, a case worker could work with each client as she made her decision about which program to enter. In addition to tailoring options to better meet individual needs, our proposed system would also value the dignity and autonomy of welfare recipients by honoring their choices, helping to alleviate the very real concern that "mandatory work requirements ... violate basic ideas of choice and self determination."

Of course, given the unforgiving nature of welfare and vocational training time limits, emphasis should be placed on shorter term job training programs (most local ones are three to six months), referrals must be carefully made, and TANF recipients must receive clear advice about the nature of time limits and the risks that they run in delaying workforce entry.

(3) Emphasize skilled jobs in growth industries that offer opportunities for advancement and pay increases.

The work-first model channels most welfare recipients into jobs with little opportunity for advancement and pay increases. And though pay levels for entry level positions may not depend heavily on the amount of skills and training the person brings to the job, the potential of individuals to advance is linked strongly to such factors. This is particularly problematic given current welfare time limits, which require that recipients reach self sufficiency relatively quickly. Reform proposals must place particular emphasis on jobs that are relatively stable, offer health benefits, and provide opportunities for increased earnings. We specifically analyzed the positions that will enjoy the greatest [illegible] growth in San Francisco and recommended that job training programs focus on the skilled positions that best met these goals and required the least formal education.

(4) Provide support services and follow-up to clients after they enter the workforce.

San Francisco should continue contact with GAIN participants after their job placements, and clients should have ongoing access to support services, especially child care, transportation, housing and assistance with work related expenses. Such support services should include specific services and individual development plans to help clients who have difficulty retaining jobs for long periods of time. While providing support services that can accommodate TANF recipients' needs will certainly cost a great deal of money, DHS could take some additional steps that will cost very little, by improving its coordination of programs and referral services.

(5) Address problems of welfare culture within DHS, and retrain DHS staff.

Although the Express to Success Center has done a good job of creating an atmosphere different from other city welfare offices, reports from welfare recipients, advocates, and job training program managers indicate that this enthusiasm and awareness is not widespread within DHS. DHS should retrain its eligibility workers with special emphasis on creating greater awareness of and commitment to welfare to work transition programs as well as the support services that make this transition possible. This is particularly important in improving the quality of referrals to job programs. Eligibility workers will need to be able to refer clients for assessment and services, work with individuals who have plans to move to employment, and advise clients on how to best operate under the new welfare law to protect their families' interests.

(6) Investigate other sources of funding for support services, education and job training.

In addition to providing greater funding for DHS programs, the county should seek to maximize San Francisco TANF recipients' access to funds through the Job Training and Partnership Act (JTPA), Community Development Block Grants (CDBG), and the Higher Education Act.

(7) Engage the private sector in creating and opening up jobs to TANF recipients.

No amount of motivation will be enough to move San Francisco's current aid recipients into the workforce if jobs do not exist to support recipients as they come off of welfare. Without additional jobs, "to the extent that some AFDC recipients successfully enter the workplace, their gains will come at least partially at the expense of other disadvantaged labor market groups." City government can promote the job training and placement programs, repackage tax credits so that they are more accessible and better reward employers who pay well, explore public-private job training and placement partnerships, and targeting certain mandated hiring percentages for businesses that have city contracts. Wage subsidy programs should also be explored, with attention paid for the reasons that it failed in the past.

(8) Expand public employment.

Even with the best cooperation with private industry and the strongest job training efforts, the private sector will not be able to absorb enough welfare recipients to meet the federal work requirements. Indeed, the total projected job growth in San Francisco between 1992 and 1999 amounts to just 13,100 jobs—almost exactly the numbers of adults on TANF. Expansion should not take place along the lines of the current San Francisco GA workfare program, which offers no skills training or referral services, and thus fails to facilitate the process of moving into the private workforce. Alternative workfare placements (where individuals work for local non-profit agencies) can serve as another, more successful (while much smaller) model. DHS could also explore using GAIN clients to provide the support services to others going through the program. For example, DHS could place GAIN participants into jobs providing emergency child care to working GAIN clients. In this way the program could both provide needed services and create jobs.

(9) Conduct outreach and education to TANF recipients about the effects of welfare reform.

As discussed earlier in the paper, the process for informing TANF recipients about available resources and options appears to impart information unevenly at best. Many observers comment that while TANF recipients are aware that welfare reform may affect their lives, they for the most part do not understand the full implications of the new requirements. Receiving formal notifications in the mail from DHS will be inadequate. Recipients need to understand quickly what the new law says so that they can make the necessary changes in their lives to protect themselves and their families. DHS could work with non-profit organizations that already do client outreach and education to facilitate this process.

CONCLUSION

We have attempted to offer our best recommendations about how San Francisco can respond to federal welfare reform and help TANF recipients gain employment and move off of public assistance. However, it is important to remember that even the most successful programs, hailed as models for the rest of the country, move only an additional 5-8% of recipients into work and raise the proportion of families escaping poverty by only about 4%. Many others are left behind. As Gary Burtless explains, "Well run programs succeed in reducing AFDC costs and caseloads, but they usually fail to improve the living standards of the participants."

Thus, key to any welfare reform plan will be the guarantee of a safety net for those families unable to achieve self sufficiency in the

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short time period allowed by federal welfare reform (and the possibly even shorter time period allowed by the state). Many TANF families are barely surviving on current grant levels, and any reduction in support could lead to even greater crises in their lives. Some homeless advocates report, for example, that since the state began reducing the size of AFDC grants in 1991, the number of adults and children turned away from San Francisco family shelters has increased from 60 to 300 per month.[23] In fact, many TANF families already face the threat of homelessness; based on an analysis of requests for assistance, analysts estimate that families make up 25 to 30% of the local homeless population; two-thirds of these homeless families are TANF recipients.[24] As a city with such tremendous resources and one of the lowest percentages of children in the state, San Francisco should make every effort to insure that more families do not fall into homelessness and to help those who are already there.

Finally, as San Francisco strives to implement policies that fall within budget constraints and new federal requirements, and the temptations of short term, less expensive solutions become increasingly stronger, it is essential to remember the following admonition from Family Rights and Dignity activist Margarita Chavez:

> *It is not surprising to me that the very individuals who have eliminated the educational advantage to GAIN would not themselves throw their very own children out there to find just any job. They will make sure that their children are well educated and thus well paid. It is a question of whose life, whose future is deemed more valuable. . . . As a single mother of four children, and a person of color, I have continually been told that I am nothing and don't deserve anything, but I know better. Low income families face a daily struggle to feed and clothe our children; every day we fighting a battle against guns, alcohol and drugs . . . pathologies that permeate our neighborhoods and seek to destroy our children. We mothers are underpaid street soldiers in a community of disposable homes. And the only way out has been education.*[25]

ENDNOTES

1 For copies of the longer version of the paper, please contact Stacey Leyton at the following e-mail address: DCrew@aol.com. If you do not have access to e-mail, please contact Ruth Botstein at (415) 285-0642 before September 1, 1998 or after that date at (907) 272-4269.

2 Statistics in this section, unless otherwise indicated, were provided by analysts from the San Francisco Department of Human Services.

3 The remainder are over age eleven. Median child care costs in San Francisco for a child under two is $785 in center day care and $541 in family day care, $532 and $513 for children between the ages of two and five, and $525 and $436 for children six and over 3. A single mother with two children over six who worked forty hours a week for $6.87 per hour (the average wage of Express to Success graduates) would thus have only $228 left over for food, housing and other costs if she paid median child care costs for her children. 6,000 children eligible for subsidized child care are on a waiting list that lasts on average about two years 3.

4 Jill Duerr Berrick, Center for Social Services Research, School of Social Welfare, UC Berkeley, *Who Are Welfare Families? How Will They Likely Fare Under Proposed Welfare Reform?* (Joint Hearing of Senate Health and Human Services and Senate Industrial Relations Committees, May 8, 1996) (citing Work Pays Demonstration Research Project).

5 BEVERLY BURR ET AL., INSTITUTE FOR WOMEN'S POLICY RESEARCH, WELFARE THAT WORKS: THE WORKING LIVES OF AFDC RECIPIENTS, Report to the Ford Foundation, Feb. 1995, at 1, 18. An additional 7% were disabled and would therefore be exempt from federal work requirements, leaving only 20% who were voluntarily out of the labor market.

6 LaDonna Pavetti, Speech at the San Francisco Mayor's Welfare Reform Task Force (Dec. 9, 1996), p.1.

7 *Id.* at 6.

8 LaDonna Pavetti, The Urban Institute, Presentation: Questions & Answers on Welfare (Sept. 11, 1995) at 1, 6.

9 *Id.* at 6 (citing MDRC three year study of GAIN).

10 This Hourly Wage Equivalent and all subsequent ones assumes one parent is working 35 hours per week. The estimates are approximate, and do not take into account payroll taxes, the Earned Income Tax Credit, or the value of other subsidized aid that TANF families may now receive. The most significant other sources of income will include Medi-Cal (which may be cut off as a result of current changes or of leaving TANF), and possibly government subsidized housing.

11 Sources for this economic data were primarily publications by the Association of Bay Area Governments and secondarily materials from the Center for the Continuing Study of the California Economy and the California State Employment Development Department, Labor Market Information Division.

12 For a study of one highly praised work-first model, in Riverside, California, see Daniel Friedlander et al., *GAIN: Three Year Impacts in Six Counties*, MANPOWER RESEARCH DEMONSTRATION CORP. (1994).

13 Gary Burtless, *What is the Proper Balance Among Various Types of Welfare-to-Work Programs?*, in LOOKING BEFORE WE LEAP: SOCIAL SCIENCE & WELFARE REFORM 8 (R. Kent Weaver & William T. Dickens, eds, Brookings, 1995).

14 CALIFORNIA COOPERATIVE OCCUPATIONAL INFORMATION SYSTEM, VOCATIONAL TRAINING DIRECTORY: SAN FRANCISCO.

15 We participated in the Cutting-curriculum at ETS and conducted personal interviews of the staff and many participants in the program. Unless otherwise stated, our discussion of ETS comes from our experiences at the center and the written materials we received while there.

16 Nina Siegal, *The Measure of Success*, S.F. BAY GUARDIAN, Mar. 27, 1996, at 17.

17 One threshold question in designing any welfare-to-work program is whether or not to prioritize any subset of welfare recipients, such as the most work-ready, the least work-ready, or the long-term dependent. We believe the soundest approach is to develop an integrated system with multiple points of entry to try and serve a cross section.

18 One such program we visited charges $375/head for its three-day assessment process. Interview with Tom Yankowski, Director, Center for Career Evaluation, Oakland, Cal., Nov. 16, 1996.

19 MIMI ABRAMOVITZ, REGULATING THE LIVES OF WOMEN: SOCIAL WELFARE POLICY FROM COLONIAL TIMES TO THE PRESENT (1988) 366.

20 Harry J. Holzer, Employer Demand, AFDC Recipients, and Labor Market Policy, Institute for Research on Poverty, Discussion Paper no. 1115-96 (1996) at 16.

21 Robert Lerman, *Increasing Employment & Earnings of Welfare Recipients*, in WELFARE REFORM: AN ANALYSIS OF THE ISSUES 19 (Isabel V. Sawhill, ed., Urban Institute 1995).

22 Burtless, *supra* note 13, at 54.

23 HOME BASE, HOMELESSNESS IN THE BAY AREA 1994, at 17 (citing Coalition on Homelessness, SF STREET SHEET, July 1993).

24 FY 1993-94 minimum of 1,923 homeless families in SF (based on unduplicated requests for assistance from the DSS Homeless Assistance Program). CITY AND COUNTY OF SF, CONTINUUM OF CARE: A FIVE YEAR STRATEGIC HOMELESS PLAN 1995-2000, 1995.

25 Margarita Chavez, *An AFDC Mom Speaks Out*, STREET SHEET, Dec. 1996, at 1, 2.

INTERSTATE VARIATION IN AFDC AND AFDC-RELATED PROGRAMS: LESSONS FROM THE PAST

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INTRODUCTION

The reformation of the welfare state, both in the United States and in all industrialized countries, has been the subject of a large and growing literature. Numerous debates have emerged in academia and in the public policy sphere about the limitations of welfare systems, the advantages and disadvantages of shrinking the reach of these systems, and the reasons for this reassessment of the welfare state following decades of growth and expansion. There have also been many comparative analyses of welfare states and how they have changed over time, focusing primarily on comparisons of welfare systems in the industrialized world. This study attempts to bring comparative analysis to a micro level. It focuses on different "state" systems within the United States, focusing on the 50 states and the District of Columbia. It is hoped that a cross-sectional analysis of states within the United States will shed light on those variables that are most important in predicting welfare policy outcomes.

Paying attention to welfare state differences within the United States may seem a strange venture at a time when the states are in turmoil following the recent devolution of welfare programs from a national responsibility to a state responsibility. It is argued, however, that the states always had considerable discretion in the formation of their social safety nets even when the flagship program, Aid to Families for Dependent Children (AFDC), was considered a national program. The analysis will in fact focus on the pre-devolution period, 1990 to 1995. In the pre-devolution period states had control over their welfare systems in one of three ways. They had totally state-run, financed and operated programs (e.g. General Assistance). They had programs designed and partially funded by the federal government, but for which state participation was an option, with a concomitant decision to match federal funds at some level. For example, the Unemployed Parent (UP) program that extended welfare benefits to two-parent households was a state option in 1990, although it was federally mandated beginning in 1992. And finally, they participated in federally-mandated programs, where states could determine their level of participation, and concomitantly, the amount of matching funds contributed by the state (e.g. AFDC). Since this paper deals with AFDC and AFDC-related programs, we will be focusing on state decisions that fall into the last category.

BACKGROUND

Because the literature on differences in welfare systems within the United States is rather sparse, the literature review will draw together ideas derived from relevant cross-national, cross-state and within state studies.

Economic Arguments

One of the reasons that cross-national studies have focused primarily on industrialized countries is that the emergence of the modern welfare state is inextricably linked to the process of industrialization (Hage, Hanneman, and Gargan, 1989). There are various arguments for why this may be the case. First, as societies industrialize they are able to create enough economic surplus so that they can afford to finance a large welfare state. Second, the expansion and contraction of the labor force that is required to serve the system, also requires that a reserve labor pool be maintained at some level of subsistence and kept in readiness for periods of expansion. And third, that organized labor emerges from the process of industrialization and uses its considerable political weight to demand that a floor be set on wages by providing a minimum level of subsistence to workers by way of the welfare system. Esping-Anderson (1990) argues that what has occurred in modern, welfare states—particularly in the Scandinavian social democracies—is an effort to undermine the 'commodification' of labor that has occurred under capitalism and industrialization.

If industrialization fosters a welfare state, then de-industrialization may be the cause of its demise. Reich (1992) has written about the fall in the rate of profit of American industry resulting from high labor costs in the United States and the ability of foreign competitors to produce manufactured goods at lower costs. As a result, manufacturing jobs have left the United States in search of cheap labor abroad. The United States, in affect, may be de-industrializing. The resulting fiscal crisis of the state and weakened power of the unions has resulted in less support for social welfare programs. The access to cheap labor abroad and the internationalization of the managerial elite results in a lesser commitment to labor within the United States as well. Gould (1993) attributes changes in the West not just to the loss of jobs to countries like Japan, but to competition over the nature of welfare. Japan's low-cost welfare system, he argues, is being used as a model in the West.

In examining state welfare programs in the 1980s, Nightingale and Burbridge (1987) found that those states experiencing low unemployment placed a greater emphasis on employment and training services. The tight labor market provided an impetus to get people off welfare and into the labor market. Thus economic variables have been found to be important in explaining differences within the United States as well.

Social Distance Arguments

While economic issues are important, they are not sufficient to explain the welfare system operating in the United States, particularly in comparison to other industrialized societies, many of which face the same pressures. The degree of social distance—on class, race, regional, and (more recently) age lines—have often been invoked in explaining different social welfare systems. Much of the literature on Europe has focused on the extent to which welfare systems emerged out of a class struggle and represented a compromise between class interests, although these analyses have not been entirely successful in explaining the rich variation in welfare models (Esping-Anderson, 1990; Castles, 1989; Hage, Hanneman and Gargan, 1989). America's "exceptionalism"—the traditional weakness of the American welfare state relative to its European counterparts—is explained in part by the fragmentation of the American labor movement, but also by the early democratization of American politics and patronage systems which dampened class hostilities.

Kamerman and Kahn (1988) in their cross-national study of welfare systems, suggest that the inability of the U.S. to develop progressive social welfare programs comparable to those in Western Europe has arisen from this country's unresolved racial history. Not only has the existence of racial antagonisms been one of the explanations given for the fragmentation in the labor movement, as discussed above, the position of blacks in the Southern economy proved to be a barrier to the initial development of the American welfare system. Before the Social Security Act of 1935 could be passed, Roosevelt had to agree to exclude from social security coverage domestics and agricultural workers—jobs in which most southern blacks could be found at the time—in order to win the votes of Southern congressmen (Quadagno, 1994). States were also given considerable independence in the administration of Aid to Dependent Children, as it was called at the time. Southern landowners wanted this flexibility for economic reasons; they wanted to keep the cost of black agricultural labor low by keeping the social minimum engendered by the welfare state as low as possible.

Another divisive factor cited has been regional differences. The example cited above suggests a division along regional lines, just as much as over class or race lines. While Northern industrialists might have favored a welfare state to encourage the cooperation of free, white labor, Southern landowners were less enthusiastic about the proposed changes. In a different context, Valocchi (1992) argues that the advanced welfare state in Sweden was able to emerge because of the ability of social democrats to negotiate a compromise between urban and rural interests.

In the current context, urban-rural differences are not as meaningful as urban-suburban differences. Nevertheless, the deterioration of inner cities, and the loss of services once provided to their inhabitants is attributed to "white flight" to the suburbs and the abandonment of support for the urban poor (Massey and Denton, 1993). A more recent phenomena has been the suggestion that older Americans, who have more political clout, have been less willing to support the young (Shrag, 1998). These are not unrelated issues since minorities are more likely to live in inner cities and represent a more significant proportion of the young, suggesting possible interaction effects.

What these studies suggest for the current context is that as society becomes more fragmented—as class inequalities grow, as racial antagonisms increase, as urban areas become more isolated from other parts of the country—then the less possible it is to reach a consensus on social safety nets.

Ideological Differences

In this context, a free market philosophy has become more influential and articulate over the past two decades (Lowi, 1995; Katz, 1989). The fall of the socialist governments in Russia and Eastern Europe has only added to its general acceptance. This philosophy incorporates the belief that the search for equity, as most fully promulgated by social democrats, has resulted in the inefficient allocation of people and resources. The free market will lead to the most profitable outcomes when unfettered by government intervention, it is argued. Thus, the shrinking of the welfare state has been accompanied by persuasive ideological arguments that have gained increasing acceptance. The greater the acceptance of this point of view, the easier it has been to dismantle welfare programs.

These arguments are often coupled with attacks on the welfare state as undermining family values, in making it easier for women to live without benefit of a husband; although it is not entirely clear that welfare reform will encourage marriage in the absence of work opportunities for less skilled men (Wilson, 1987). Further, feminist scholars have argued that welfare programs have kept women in a subordinate position by offering them fewer benefits than programs that primarily serve men—such as unemployment insurance (Abramovitz, 1988), regardless of possible incentives to remain unmarried. Nevertheless, free market and traditional family arguments are often closely linked.

This ideological shift has not occurred without opposition from other groups, however. For example, liberal churches, the unions and organized political groups continue to argue for government sponsored attempts to bring further equity through income redistribution. Nor are these groups without power. In this country Catholic bishops represent a large constituency and while conservative on family issues, have been openly skeptical of free market solutions to poverty. Esping-Anderson (1990) attributes the success of some European welfare systems to support from Catholic political parties, in spite of their differences with the left on other issues.

In the American context, Republicans, who are more likely to subscribe to a "free market" ideology, will be more likely to vote for limitations on the welfare state. This is not unequivocally the case, however, since both the Democratic and Republican parties strive to appeal to a wide range of voters, leading to some overlap in their viewpoints (Lowi, 1995).

There are important differences within the political parties, however. Dodson and Carroll (1991), in a study of state legislators, found that women were more likely to support "liberal" and woman-oriented issues than men, regardless of political party. These differences persisted even when controlling for age, seniority, "insider" status or type of district representing. Interestingly, they found no difference between male and female legislators when it came to government provision of child care and increased taxes for social services, although support for these initiatives were found to be high for both men and women.

Minority legislators are generally considered to be quite liberal as well. Studies have found that the presence of a black voting block or black legislators has a positive effect on black families receiving welfare, on public jobs going to blacks, and on a variety of educational variables (Meier and England, 1984; Mladenka, 1989). The ability of black legislators to make a difference, however, is limited by the economic power of whites, may represent a proxy for the economic and organizational resources of blacks, and has less force in the South and Midwest which are more segregated and present blacks with fewer opportunities for building coalitions (Santoro, 1995; Meier and England, 1994; Mlandenka, 1989). Often the effects found were fairly small.

METHODOLOGY

A database was created for the 50 states and District of Columbia, drawing from a variety of sources: the U.S. Census, Current Population Survey (CPS), Bureau of Labor Statistics, Bureau of Economic Analysis, National Governor's Association and so on. Most of the data chosen were published, but in a few instances unpublished data were obtained from government or private agencies. Data were chosen based on their face validity, but many were those that had been used in previous studies on related issues. Data were collected for 1980, 1990, and 1995. Painstaking efforts were made to ensure that data were comparable across time.

An iterative process was used to come to a final model. Models for each type of argument—economic, social distance, and ideological—was examined separately. Based on the outcomes from these analyses and further tests for multi-collinearity, a final model was developed for each of the dependent variables.

RESULTS

Results are presented here only for the final models, presented on Table 1. The dependent variables are the natural logarithm of the maximum AFDC benefit for a family of three for 1990 and 1995 and whether or not the state had an Unemployed Parent program in 1990. All of these were policy variables determined by the state. Representing the economic argument is personal income per capita, to adjust for cost-of-living differences, and the percent of total employment in manufacturing, to measure the degree of industrialization in the state. (A growth rate variable and a variable representing degree of unionization were eliminated in preliminary analysis because of problems of multi-collinearity with respect to the latter and because of little statistical significance with respect to the former.) Representing the social distance argument is the poverty rate, the percent of the population that is non-white, and the percent of the population that is 65 years old or older. (The percent of the population that was foreign born and the percent of the population that was in cities of 100,000 or more was eliminated in preliminary analysis because of problems of multi-collinearity and low statistical significance.) The logarithm of the social distance variables was used since early analysis suggested that their impact would be non-linear.

The ideological variables were represented by the average percent of state legislators that are minority (Black or Hispanic) interacted with a political score variable. The political score variable ranged from -10 (both houses in the legislature were Republican in the last 5 elections) to +10 (both houses in the legislature were Democratic in the last 5 elections). The two were interacted since previous research indicated that the effectiveness of minority legislators depended on their ability to form coalitions

Table 1. Final Model: 1990 and 1995 Benefits and Existence of a UP Program

	1990 Benefits	1995 Benefits	UP Logit
Intercept	3.6819	4.0670	-4.4798
Personal Income	.0001***	.0001***	.000674**
Percent Manufacturing	-.6500	-1.4144**	14.2243*
Ln Poverty Rate	.0980	-.0973	.8298
Ln Percent 65 or Older	.3386**	.3078	4.8678
Ln Percent Non-white	.1328**	-.1014*	.8972
Minority Leg.xPoltical Score	-.0199	.0055	———
Political Score	———	———	.3103**
South	.3240***	-.4227***	-3.8879**
Adjusted R-Squared	.7400	.7164	———

Note: * significant at a 1% level, ** significant at a 5% level, ***significant at a 10% level

in predominately Democratic legislatures. (The percent women in state legislators was also attempted but was confounded by problems of multi-collinearity. Further tests indicated, however, that in the absence of variables with which there was correlation, but with other variables in the equation, the impact of women legislators was negligible.) A dummy variable for the Southern states was also included as a measurement of the particularistic "Southern culture." (Other measures of ideology such as membership in liberal churches and percent non-white registered voters were eliminated in preliminary analysis because of problems of multi-collinearity and low statistical significance.)

In both 1990 and 1995 the personal income variable was positive and statistically significant at the 1% level. Percent manufacturing was insignificant in 1990, but negative and statistically significant in 1995. This is contrary to our expectation that the more industrialized states would have higher benefit levels. Given the economic problems experienced by the more industrial states in recent years, however, it is possible that in the current climate that they would tend to be more conservative on welfare issues. The poverty rate was insignificant rejecting our hypothesis that the more poor the state, the lower the benefits (because of the greater imbalance between rich and poor). The minority legislators/ political score interaction variable was statistically insignificant in both years, indicating that minority legislators had relatively little impact on benefit levels in 1990 or 1995. The percent of the population that is non-white was found to be negative and significant in both years, however, confirming our hypothesis that the more racially heterogeneous the state, the greater downward pressure on benefits. The South dummy was negative and significant in both years confirming our hypothesis that being a Southern state results in lower benefits, even when controlling for other factors. The percent of the population 65 or older was negative and statistically significant effect in 1990, but was not statistically significant in 1995, at least partially confirming our hypothesis that states with older populations provide lower benefit levels, all things remaining equal.

Column 3 in Table 1 presents the results for the logit analysis of the UP (unemployed parent program). Preliminary analysis suggested that the political score standing alone, rather than interacted with percent minority legislators produced the best result. The statistically significant variables perform as expected. Having a UP program has a positive and statistically significant relationship with personal per capita income and with the percent of the population that is in manufacturing. In other words, states that depend more heavily on manufacturing are more likely to have a UP program. The political score also had a positive association with a UP program: the more democratic the state, the more likely it is to have a UP program. The South is negatively associated with a UP program.

It should be noted that the R-square for both the 1990 and 1995 OLS equations were high, .74 and .71 respectively. Also a comparison of predicted and actual variables indicates that the regressions do succeed in predicting the dependent variable for all states. None of the actual benefits diverge from predicted by more than 10 percent.

In sum, it appears that at any point in time, differences in welfare benefits across states are explained primarily by economic and demographic (social distance) variables, the economic variables being per capita income, and percent employed in manufacturing, and the demographic variables being the percent of the population that is non-white, and the percent of the population that is over 65 years old (both having a negative impact on benefit levels). Political variables, significant when taken alone, do not seem to be important in the context of the broader regressions.

It should be noted that when an analysis of changes in benefits between 1990 and 1995 was conducted (not shown), it did confirm the importance of unions in keeping benefits levels from deteriorating. An analysis of the percent of job training funds going into short-term training found that the percent of state legislators that were minority did have a negative and statistically significant effect on this policy variable. (In other words, the greater the percent of minority legislators the greater the focus on long-term training.) Finally, additional analysis was able to show a significant relationship between changes in benefits and percent of welfare-employment expenditures devoted to short-term training. Declines in benefits predict a focus on these quick turnaround components. Thus the nature of the welfare employment system is indirectly related to those factors that determine benefits.

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THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND THE HUMAN RIGHTS OF POOR SINGLE WOMEN OF COLOR AND THEIR CHILDREN

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ABSTRACT

This paper uses the Temporary Assistance for Needy Families (TANF) program to assess whether the U.S. is acting in accordance with international human rights norms. The author contends that TANF violates the fundamental rights of welfare recipients and their families. This is particularly true for women of color, who both have been central to the rhetoric supporting TANF and will be disproportionately effected by the program.

U.S. ratification of instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) presents a unique opportunity to open up domestic human rights practices to international scrutiny. As international monitoring of U.S. domestic practices intensifies, so too will the need to analyze domestic policy and law using the language and norms of international human rights. These analyses should permit U.S. citizens to voice their concerns in a legal context that recognizes a range of rights that is both broader and more substantive than those under U.S. law. It represents not only a relatively new area of policy but also a different way to engage in discourses about domestic policies using an international legal framework by which the U.S. should be bound.

This paper uses the Temporary Assistance for Needy Families (TANF) program to explore the potential for work at the juncture of domestic policy and international human rights. Its central thesis is that TANF's objectives are inconsistent with international human rights norms. Consequently, TANF, both as conceptualized and as implemented, compromises, rather than protects, the fundamental rights of welfare recipients and their families. This is particularly true for women of color, who both have played a unique role in the rhetoric supporting the program and will be disproportionately effected by it.

The remainder of this paper is organized as follows. Part I discusses TANF, as well as the program's objectives and requirements. Part II lays out the rights and duties set forth in ICCPR, CERD, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) that are implicated by TANF. Part III compares the objectives and requirements from Part I with the rights and duties from Part II to demonstrate how TANF violates basic international human rights law.

PART I: TANF AND THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITIES RECONCILIATION ACT OF 1996

On August 22, 1996 President Clinton signed into law the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (Act). The new law, which went into effect on July 1, 1997, replaces Aid to Families with Dependent Children (AFDC), formerly the main federal welfare program guaranteeing cash grants for eligible families with dependent children, with TANF. Under the new program, the federal government gives eligible jurisdictions fixed block grants to assist poor families with dependent children. For recipients, these grants are tied to waged work. For states, grants are tied to the rate at which their TANF rolls shrink.

TANF is designed to achieve four objectives. First, the program is intended to end welfare dependency and to turn welfare into temporary assistance for poor, needy families. Second, it seeks to reduce out-of-wedlock birthrates, particularly among teenagers. Third, TANF emphasizes the need to strengthen child support enforcement for poor children and to increase the number of two-parent families in which children are raised. Fourth, it changes the type of discretion granted to states to implement their individual TANF programs.

As defined by the law, ending welfare dependency means reducing the time eligible families receive TANF benefits and making the program a temporary safety net for needy families. To this end, TANF combines time limits and work requirements to force families to become independent of TANF after five years. A state, however, may exempt up to 20% of its TANF caseloads from the five year limit if, in the state's estimation, special circumstances warrant such an exemption. Many adult recipients have up to 24 months from the commencement of benefits to engage in an approved work activity. Those adult recipients who cannot find work after receiving benefits for two months must participate in community service employment. The program holds states to incrementally increasing work participation rates, beginning with 25% of eligible TANF recipients in 1997 and ending with 50% of recipients in 2002. States must meet these quotas or risk having their TANF block grants reduced by up to 21%. Single parents with children under six years old and without childcare are exempt from these requirements. States may also opt to exempt single parents with children under 1 year old from TANF work requirements.

The approved work activities in which TANF recipients may engage "are tightly defined to include actual work in the private or public sector plus, to a limited degree, education, vocational education training, and job search." For most recipients, approved work activities include subsidized and unsubsidized employment in the public or private sector, work experience, on the job training, job readiness assistance, community service programs, vocational education (for a maximum of 12 months), providing childcare to TANF recipients participating in a community service program, and job skills training directly related to employment. Those recipients lacking either a high school diploma or a General Equivalence Diploma (GED) may either be engaged in education directly related to employment or attend secondary school or a course of study leading to a GED.

TANF also focuses on reducing out-of-wedlock births, particularly among teenage mothers. It blames single mothers for bearing children who are abused, and unsuccessful in school with lifetime prospects limited to unemployment, long-term welfare receipt or criminality. The program's logic dictates that the social ills of poverty, to which poor children and their mothers are exposed, can be remedied by discouraging poor women from bearing children outside of marriage.

TANF uses teenage motherhood to further this objective and requires young mothers to live either at home or with a responsible adult in exchange for benefits. It also makes school attendance mandatory for those teenage mothers without high school diplomas or GED's. In addition, TANF limits the medical-related use of program funds to family planning services and provides monies for abstinence education. States are also encouraged to compete for performance bonuses by reducing the rates at which their residents bear children out-of-wedlock, and family caps are a matter of state discretion.

Rather than continue to treat the government as the supporter of last resort, TANF seeks to make non-custodial parents primarily responsible the financial well-being of their children. Accordingly, TANF requires states to enforce child support penalties, including those levied against mothers for failing to cooperate with state efforts to establish the paternity of their children. States must also adopt stronger measures designed to help establish paternity and institute uniform tracking procedures. In addition, states are required to create new and stronger enforcement tools to increase actual child support collections. Finally, states are encouraged to compete for performance bonuses that reward increases in the number of two-parent families residing within the state.

Finally, TANF claims to increase state discretion over the expenditure of federal monies on the poor. It is perhaps more accurate, however, to characterize TANF as reconfiguring the terms of the shared federalism between the federal and state governments. Whereas states may experiment with many of TANF's details, the program's basic requirements, as well as its penalties, remain matters of federal law. For example, while states may choose how best to place their recipients in approved work activities, they may be penalized for failing to meet requirements including the work participation rates and the five year lifetime limit on program eligibility discussed above.

PART II: INDIVISIBLE RIGHTS AND INTERNATIONAL HUMAN RIGHTS LAW

International human rights are founded on "the inherent dignity of the human person." The civil, political, economic, cultural, and social rights to which all are entitled are enumerated in the Universal Declaration of Human Rights (UDHR) and related U.N. human rights instruments. Within this rights scheme, civil and political freedom, and freedom from fear and want are indivisible. That is, the full realization of one set of freedoms is wholly contingent upon and inextricably linked to the other set. Consequently, fundamental human rights are not adequately protected if states fail to ratify all relevant treaties or otherwise refuse to sanction equally all the rights central to human dignity.

A. The Rights Holders

The UDHR-based scheme recognizes the rights of individuals, families and peoples. While all individuals are entitled to the rights set forth in the documents, regardless of their identity, some individuals enjoy temporarily enhanced rights. For example women and men possess fundamental rights because of their inherent dignity as human persons. Those women who are also mothers have amplified rights due to the special protection afforded those serving the social and cultural functions of motherhood. Moreover, the protection of the rights of all is heightened during childhood.

In addition to the rights enjoyed by individuals *qua* individuals, each person has family-based rights. The family, "the natural and fundamental group unit of society," receives "[t]he widest possible protection and assistance . . . particularly for its establishment and while it is responsible for the care and education of dependent children." While marriage is related to some family-based rights, these rights do not turn on parents' marital status. Rather, the interests of dependent children govern. They are entitled to care and education regardless of either the marital status of their parents or the structure of the family charged with primary responsibility for providing such care and education.

Finally, individuals possess rights as peoples, central to which is the right of self-determination. Here, unlike in the case of the rights of individuals *qua* individuals, identity not only matters, but also is central to the ways in which peoples both define themselves and are defined. Accordingly, self-determination means that peoples, regardless of definition, are collectively entitled to "freely determine their political status and freely pursue their economic, social and cultural development."

B. The Rights Held

The right to work is central to the human dignity recognized in the UDHR and related instruments. Individuals enjoy the right to choose employment freely and the attendant freedom from forced or compulsory labor. In addition, individuals are entitled to "just and favourable" working conditions which include being paid a decent wage and being able to form and join trade unions unhindered by private employers or the state. Moreover, women are guaranteed an "effective right to work," which contemplates "the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life." States' obligations with respect to these employment-related rights include establishing "technical and vocational guidance and training program[s], policies, and techniques to achieve . . . full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual," and "promoting the establishment and development of a network of child-care facilities."

An aspect of human dignity to which both individuals and families are entitled concerns the standards at which they live. The UDHR-based rights scheme recognizes the right of all not only to an adequate standard of living but also to "continuously improving living conditions." While each state is required to put forth its best effort "with a view to achieving progressively the full realization" of these rights, the material rights held by any particular individual remain contingent on the maximum available resources of that individual's state. Moreover, states must act to further these rights "individually and through international assistance and co-operation." In the long term, this may address the economic disparities between members of the international community and improve the material conditions under which the majority of individuals and families live.

Individuals, peoples and families possess rights related to education, which must not only be "directed to the full development of the human personality and the sense of its dignity," but also "strengthen respect for human rights and fundamental freedoms." Furthermore, this education must "enable all persons to participate effectively in a free society, [and] promote understanding, tolerance and friendship among all [peoples]." To achieve these objectives, states are required "to adopt immediate and effective measures," to "progressively[ ] introduc[e]" free [secondary and higher] education," and to help families to educate dependent children.

States also have special obligations to remedy the racial and sexual oppression of individuals and peoples caused by theories of identity-based superiority and inferiority. To counter the deleterious effects of racial supremacy, states must prohibit, as a matter of law, any advocacy of hatred that rises to the level of incitement to racial discrimination, hostility or violence. With respect to gender-based oppression, states must also "modify the social and cultural patterns of conduct of men and women, with a view to . . . eliminat[ing] . . . prejudices and customary and all other practices . . . based on the idea of [gender] inferiority or . . . superiority." States must also foster a "proper understanding of motherhood as a social function . . . [and] recogni[ze] . . . the common responsibility of men and women in the upbringing and development of their children."

PART III: TANF'S OBJECTIVES AND INTERNATIONAL HUMAN RIGHTS LAW

To end welfare dependency and make welfare a temporary program for families in need, TANF includes work requirements and lifetime limits on eligibility.

These requirements appear to based on at least four interrelated, but erroneous, assumptions about welfare and its recipients. TANF assumes both that welfare recipients do not work for wages and that welfare benefits meet recipients' basic financial needs. The program treats these assumptions as valid despite data showing that, under AFDC, most welfare recipients both cycled between waged work and welfare receipt and supplemented their benefits with earnings from waged work and other sources to make ends meet. TANF also assumes that long-term welfare dependency is primarily a matter of individual will rather than of market and other forces largely beyond the control of the poor. It seeks to modify what its proponents see as "poverty-causing" behaviors without accounting for many of the structural factors that prevent many poor single mothers – both employed and unemployed – from surviving without public assistance. Finally, these program requirements assume that most welfare recipients are job ready and will enter a labor market in which entry-level jobs lead to progressively better paid and more rewarding employment. They ignore the probability that the market will relegate many of the former TANF recipients who find employment to the low-waged work that is commensurate with their limited education, skills, and work experience.

Assessed against the norms articulated in the UDHR-based documents, the TANF requirements and underlying assumptions discussed above present significant human rights issues, particularly for poor single mothers. While mothers enjoy temporary enhancement of their individual and family-based rights while caring for dependent children, TANF strips them of most of the limited rights they enjoyed under AFDC. This rights deprivation is exacerbated by the fact that states have no duty to make the five year limit on eligibility contingent on meaningful work experience. TANF requires states to have at least 50% of its eligible recipients engaged in approved work activities. Conversely, it allows states to avoid responsibility for up to 50% of TANF recipients who are not required to get the minimal benefits of the approved work activities which are central to TANF. Regardless of the scope of the state's obligations to TANF recipients, all but the most disadvantaged recipients face the five year limit. Even those severely disadvantaged recipients are exempt only at state discretion exercised in accordance with the federal law's "special circumstances" standard.

TANF also emphasizes employment and employment-related training over basic education and vocational training. The definition of work activities, combined with the skills deficits of many TANF recipients, could allow recipients to satisfy the program's requirements while gaining few skills to enable them to improve their living conditions. There is nothing to prevent many TANF recipients from being stuck in low-waged jobs to which the human and social capital development required for job advancement are largely irrelevant. The state assumes no responsibility to facilitate the improvement of living conditions and standards, heralding, instead, the benefits of waged work for work's sake. TANF neither requires nor provides states with effective incentives to help recipients find and keep jobs that pay them decent wages. Rather, states are rewarded for reducing their caseloads and not for the rates at which former recipients remain engaged, meaningfully or otherwise, in the labor market.

For many who are placed in an approved work activity to comply with the program's requirements, TANF may mean compulsory labor under conditions that are neither just nor favorable. For some TANF recipients, TANF means $100 every two weeks for 40 to 50 hours of approved work activity which is designed to supplement a cash grant on which continued participation in the work activity is made contingent. For others, TANF requires them not only to accept unsafe and unsanitary jobs, but also to forfeit their rights to form and join trade unions freely. For still others, TANF means that they must tolerate illegal employment conditions for fear that the financial costs of quitting a job will be exacerbated, rather than ameliorated, by the state.

TANF's focus on single motherhood and two-parent families sacrifices the substance of individual and family-based human rights to the form of the families in which dependent children are reared. That is, it makes both worthiness a function of and state obligations to the poor contingent on marital status and family structure. Under the UDHR-based scheme, however, human rights are contingent on neither marital status nor family structure. Rather, the family, in general, and motherhood and childhood, in particular, are entitled to special care and assistance from the state regardless of the marital status of the parents. The interests of dependent children are primordial and individuals, families, peoples, and states have special obligations to protect and assist these children.

It must also be noted that this rights deprivation is accomplished through rhetoric to which women of color, in general, and urban black women and Latinas, in particular, are central. By relying on such rhetoric, TANF represents the state's use of the ideas of racial and gender superiority and inferiority that international human rights norms require states to prohibit as a matter of law. Consequently, TANF inflicts raced/gendered injuries on these women of color and contravenes the requirements of the UDHR-based rights scheme. These injuries are in addition to those suffered by the majority of TANF recipients who are not represented by the images deployed in the rhetoric supporting the program.

Moreover, renewed expectations regarding the financial responsibilities of non-custodial parents comport with the patriarchal notions of family structure undergirding much of the debate about the need for social welfare policy reform. Central to these notions is the idea that men have primary responsibility for the financial support of women and children. Some invoke the rhetoric of "deadbeat dads" supported by the assumption that poor men do not support their children because they neither want nor are forced to do so. Others rely on the civilizing effect of marriage for men who need domestic dependents to channel their heretofore unbridled male-effort into positive rather than negative activities. Nevertheless, the assumptions on which these program requirements are based further entrench social and cultural patterns of conduct of men and women which are based on patriarchal notions of family. They also ignore the reality that poor children often have poor parents whose poverty is a function of structural rather than individual behavioral failures. The circumstances under which families become poor and the apparent frustrations of many poor men, in particular, to satisfy out-dated and patriarchal notions of manhood are of little import to TANF's objectives and requirements. Single mothers and AFDC are blamed for stripping these men of their rights as men, husbands and fathers. TANF relies on these ideals and attempts to remedy poverty using the very social and cultural patterns of gendered conduct prohibited by the UDHR and related instruments.

Finally, TANF alters the terms of the relationship between the poor, the states and the federal government. TANF measures success in terms of not only shrinking welfare rolls and rates of out-of-wedlock births, but also increasing the numbers of two-parent families formed by state residents. Little attention is paid to the individual and family-based rights of those poor women and their children who will be adversely affected by the program's objectives and requirements. While devolution is not *per se* problematic, the way in which TANF devolves responsibility for poor assistance may be quite profound. Specifically, TANF lacks adequate safeguards against states "racing to the bottom" to avoid providing incentives to recipients to migrate because of attractive benefits. While data largely dispel the notion that welfare recipients are motivated to move by the benefits states provide, there is reason to believe that states are likely to ignore that data and make benefits as austere as possible. TANF represents a wholesale - federal and state - withdrawal of assistance to poor single mothers and their children at a time when both are entitled to heightened governmental protection. This assault on the rights of women, children and the families they form is accomplished by TANF and is completely inconsistent with the requirements of the UDHR-based system.

CONCLUSION

That TANF frustrates the fundamental tenets of the UDHR and its related instruments should be cause for concern among those interested in both domestic social welfare policy and international human rights. To see this effect requires work where these heretofore separate areas of policy overlap in a space traditionally overlooked by both domestic and international actors. Shifting to a rights framework rooted in the basic human dignity to which all are entitled to assess the legality of domestic social welfare policy demonstrates that TANF and international human rights law are incongruous. In other words, TANF's failure to violate domestic law does not guarantee its legality in terms of international human rights. Rather, the choices represented by TANF are antithetical to the human dignity with which the UDHR-based scheme is concerned. The program violates the basic human rights to which mothers, dependent children and their families are entitled and should be replaced by one that respects these rights.

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DEVOLUTION AND WOMEN IN STATE POLICYMAKING

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ABSTRACT

This paper examines the current levels of involvement of women in state policymaking, devolution and recent trends in state government, women's policy issues at the state level, and underlying factors and principles that could unify efforts at the state level to improve policymaking affecting the lives of women.

I. OVERVIEW OF WOMEN IN STATE POLICYMAKING

Women are an increasing percentage of state legislators (21.6 % of 7,572 in 1998), and make up an even larger percentage of those involved in policy formulation for state government, both as legislative and executive staff, and as agency analysts and administrators (46.5% of the 6,796 members of the National Conference of State Legislatures (NCSL) who are staff are women). Women are active in every other aspect of policymaking. They make up most of the staff of many advocacy groups, and women are an important influence in most organizations speaking out on policy proposals. Thus, women have considerable influence at every stage of the state policymaking process, from the collection and analysis of policy-related information through the development of policy positions to the drafting and passage of legislation. Women's influence, however, steadily declines as proposed legislation moves through the system to the major committees, such as appropriations, and to the office of the governor for signature (there are only three female governors in 1998). Women of color, who account for 24 percent of the national female population, are especially under-represented in legislative and executive positions: they hold only 4 percent of state elective executive positions—although they do make up 14 percent of state legislators [Center for the American Woman and Politics (1998) and Institute for Women's Policy Research (1996)].

Several organizations exist which support women in their policymaking efforts. For women who are public officeholders, there are organizations such as the Women in Government Roundtable, National Order of Women Legislators, and the Women's Network of the National Conference of State Legislatures (NCSL). The Center for the American Woman and Politics, the Center for Women's Policy Studies, the Center for Policy Alternatives and other groups have special networks and programs to serve women public officials. The National Women's Political Caucus is one of the groups which also supports feminist women running for office.

Various national and state nonprofit organizations are dedicated to the formulation and advancement of progressive policies on issues affecting women. These advocacy and research groups provide networks of relevance to legislative staff and agency analysts as well as to legislators and citizen activists, and so have the potential of connecting feminists across very different realms.

State employees involved in policymaking are often members of one or more national associations, such as NCSL, but they are not organized into feminist networks as state policy analysts. They may belong to state employee unions, advocacy groups, or women's organizations which take on women's issues, however. (Women in D.C. working for the federal government can join Women in Government.) Relatively few academics are doing policy research aimed at impacting state legislation, although this does occur in policy research centers set up at several universities. Women at such centers do not generally attend meetings of groups such as the NCSL, and belong to different unions than state employees.

Nonetheless, the current institutional process within the states leaves women under-represented and not enough is being done to change the situation. The establishment of Women's Commissions in most states is one of the few examples of an institutional innovation aimed at serving women and increasing their voice. As things stand now, women working on women's policy issues or legislation at the state level must develop the material needed to address those issues from a feminist perspective, within a workplace hierarchy in which they often find little support for or understanding of feminist concerns.

II. DEVOLUTION AND STATE POLICYMAKING TODAY

State legislation is critical in many areas of concern to women, from violence against women to divorce settlements. And with the recent devolution of more federal program responsibilities to the states, the role of the states in human services and other areas has been increasing. Recently the Child Care and TANF (Temporary Assistance to Needy Families) block grants, and the coming Job Training block grant (currently in committee), have increased state responsibility for program formulation. There has also been a de facto shift towards state and local governments as the federal government reduces its real discretionary spending. In 1990, state and local expenditures (including those financed by federal grants-in-aid to state and local governments) were equal to 56 percent of federal spending (excluding grants-in-aid); by 2003, it is projected that this percentage will be at 73 percent. Most of this increase has been financed by the states (U.S. Advisory Commission on Intergovernmental Relations). Mirroring these trends, state and local government employment grew 12 percent from 1990 to 1997, while federal employment dropped 13 percent.

Devolution is pushing states to a critical institutional juncture. Analysts are virtually unanimous in their agreement that states will continue to assume increasing responsibility for program formulation and implementation. Besides the budgetary pressures prompting devolution, the growing population is increasing difficulties involved in coordinating federal programs affecting over 80,000 local governments. Program and research staff in the states must expand, and there will be profound consequences for the budget-making process. In the 1950s, few persons made their careers at state legislatures, while today more than 36,000 persons work as legislative staff, most nonpartisan and in service agencies. While the policymaking machinery varies greatly among the 50 states and U.S. territories, the larger states such as California, Texas and New York, have permanent legislative staff in excess of 2000 persons during sessions.

Expanding staff and growing program responsibilities will affect the balance between the legislative and executive branches of state government, as well as between different state agencies. And opportunities will arise for women to impact the outcome of these shifts.

Generally, the executive branch of the state government has the primary responsibility for developing and presenting the proposed state budget to the legislature, although the legislature may also develop its own. As the number of staff in executive agencies involved in program formulation increases, the relative power of the legislature in setting the direction of the state could diminish. In Mississippi, there has been a significant increase in staff involved in program development in the case of Medicaid, while in the case of welfare reform, there has been little expansion of staff: the increased budget and responsibilities have been met by contracting out for services including job placement and research. Nonetheless, it can convincingly be argued that both agencies now carry more political weight, and a similar story can be told for other agencies and for other states.

Counterbalancing the growing impact of

the executive branch, the legislatures in the states have become more active in attempting to monitor the performance of executive agencies. This generally involves the use of agency performance measurements, especially during the budget process. In addition, legislatures have insisted on some oversight of the new block grants as they go into effect. In the case of welfare reform, legislatures had to approve plans developed by the relevant state agencies in consultation with legislators, and several legislatures also attempted to pass monitoring requirements beyond those specified by federal regulations (e.g. Arkansas, Illinois, Massachusetts, Mississippi). In Mississippi, the recent attempt by the legislature to mandate independently-monitored research evaluation of welfare reform was vetoed by the Governor. Special task forces with representatives from both the legislature and the executive branch are also common when dealing with block grants or interagency programs.

The effort at the federal level to re-invent government through use of performance-based budgeting, is a related influence on the states, although the drive for more emphasis on evaluating programs based on achievements has hit some snags [GAO (1993)]. Emphasis in the case of welfare reform is focusing attention on the failure of needs-based assistance alone to address the long-term goal of moving welfare recipients to incomes above poverty-level. A focus on goals, whether in human services programs or elsewhere, will spark interest in developing the expertise needed to craft and evaluate programs as states face more flexibility and less federal funding.

It should also be mentioned, however, that much of the recent growth of states' responsibilities has been in the area of social programs, and observers note that there have been many new encroachments on the states in the past few years in other areas including criminal law and regulation of business, health, and the environment. The list of new encroachments "includes criminal laws targeting everything from carjackers to sex offenders, legislation that cuts the states out of more areas of securities regulation, and the telecommunications regulation overhaul, which allows the federal government to block states from keeping telecommunications companies out of their territory" [Wall Street Journal, 10/3/97]. The problem of unfunded mandates remains as well, although pressure from the states did induce Congress to pass legislation designed to limit the strain these mandates have placed on state finances.

Other changes in state policymaking have occurred along with devolution. There have been changes in "the nature, expectations and goals of elected officials", notes Brian Weberg (1997) in State Legislatures. Term limits in many states have given staff a more important role as keepers of institutional wisdom at the same time that legislators, with a shorter time horizon, place more emphasis on staff who satisfy their individual political needs, with whom they have a close and positive relationship. In some states, this has resulted in a growth of partisan staff in both houses of the legislature. There is also more emphasis on communication, political awareness, and operating close to the process. "The legislator of the 21st century will likely care much more about things political than those institutional ... (and) will have a narrower policy focus and limited legislative experience. They won't know the legislative process and its traditions very well, especially in term-limited states," adds Weberg. This implies that along with staff growth, there will be a change in the skills and emphasis of legislative staff.

As Alan Rosenthal puts it, "The boundaries between legislatures and their environments are breaking down." The stable membership, adherence to unique norms and traditions, and solid internal control of rules and procedures that formerly characterized state legislatures are being eroded. There is more rapid turnover of members and increasing involvement of all actors in the political process, aided by new information technologies.

As the political process becomes less distinguishable from the general social environment, new opportunities arise for bringing more women into the conversation on policy. For meaningful involvement to happen, channels must be open that link legislators, researchers, activists, and all concerned with policy outcomes. Women with specialized knowledge and skills in particular must participate in the inclusive conversations required to craft responsive political policies and institutions, otherwise divisions into areas of specialization will too easily translate into political divisions as well.

III. WOMEN'S POLICY ISSUES AT THE STATE LEVEL

Welfare reform, violence against women, pay equity for women, and divorce law are examples of areas where state legislation is critical, and there are many pieces of legislation in which feminist research and activism have made a difference. For example, divorce law is an area in which more equitable treatment for women has been achieved only after difficult struggles by women, although much remains to be done. Pay equity laws have been passed in several states with a very positive impact for women (see IWPR website). Consider also welfare reform. The causes of, and solutions to, the high poverty rates among households headed by a single mother are seen very differently by feminists than by the mainstream. Feminists view women as having a right to an income sufficient to support a family, and so have worked and are working for policies very different from those currently in effect, which undervalue women's childcare activities and treat women as workers for whom poverty-level incomes are sufficient.

In addition, state legislation in many areas, as diverse as juvenile crime and business tax incentive programs, would benefit greatly from feminist input. Juvenile crime prevention depends upon the community support provided to families and to working mothers in particular. Successful enterprise growth depends not only on attracting business through competitive taxes but also on encouraging businesses to adopt management practices that elicit fuller utilization and development of worker skills and that address worker needs for flex-time and quality childcare.

This year in Mississippi, several pieces of legislation of importance to women were introduced during the legislative session—including insurance coverage of mammograms, equitable distribution of assets upon divorce, the formation of a Committee on the Status of Women, a rise in the age of sexual consent, and a study to evaluate the effects of welfare reform. Of these, only raising the age of consent was signed into law. In most of these cases, those formulating and proposing the legislation would have benefited from improved access to feminist networks for research information and political support, whether at the national or state level.

IV. STRATEGIES FOR INCREASING WOMEN'S VOICE IN STATE POLICYMAKING

Women's policy issues at the state level mobilize many community-based organizations, unions, research groups, political activists and advocates, and citizens. They occupy the many state employees involved in the policymaking process either within state agencies, the legislature, or the governor's office. And, of course, aspiring and incumbent politicians have a critical say in what legislation is actually proposed and enacted. All these diverse actors in the policymaking process who share a common desire to improve the lives of women, also share a common belief that women will benefit from improved political voice—improved both in terms of women's understanding and creative formulation of the issues, and improved in terms of women's ability to communicate this understanding through increased access to platforms from which to be heard. This common belief can serve as the basis for building networks of feminists throughout the policymaking process.

One factor currently affecting all state-level policymaking is devolution. Devolution presents both a challenge and an opportunity to include women's concerns more explicitly and systematically in the state policymaking, through involvement in the restructuring that is now underway. As the number of policy analysts at the state level increases, these analysts need to be brought into feminist networks. Women in state policymaking positions are interested not only in data and theory relevant to legislation currently under consideration or that could be proposed in the future, but are also interested in dealing with their own situation within state government, and in increasing the acceptance of perspectives that explicitly consider race and gender issues. Materials that would be of use to them include: state and national data relevant to on-going issues such as pay equity or women and poverty, models of legislation from other states in areas including divorce laws and workers' compensation; training materials for new legislators and staff; examples of how a feminist perspective changes the policy approach in specific instances; alternative budgets and tax structures; information on the experience of women activists in influencing legislation.

In a few states, Women's Commissions are tracking and supporting legislation of especial benefit to women. The Kentucky Commission on Women, for example, sends out a legislative update to about 300 women's organizations around the state, and just this session was instrumental in the passage of an Omnibus Bill on Women's Health. In other states, there is no central coordinator of women's legislative issues, although it would not be difficult for a coordinating group in a state to identify and link together women's organizations, legislators, and policy specialists within legislative and executive staff via newsletters, the internet and conferences.

Though strategies may vary by state, the need to develop feminist research expertize within state government is evident, as is the need for researchers and activists to network both within the state and between states. A revitalization of Women's Commissions is a possibility. Another is that institutional changes moving towards greater public involvement in policymaking could be structured in ways which would open new opportunities for women's voices. Examples exist of innovative legislation mandating town or county meetings, citizen review boards, and reformed campaign practices. These could be drawn up in a way that would incorporate recognition of women and persons of color as constituencies whose interests require representation 1/

1/ Legislation introduced in MS would mandate county meetings at which state agency representatives would present reports on the state of affairs in that county, while citizens would be granted time to ask questions and make statements. In other areas of the country, citizen review panels have been instituted to oversee the sanctioning process under welfare reform. One possibility that intrigues me is that of citizen juries on policy. Such juries could be drafted from voter rolls to judge the adequacy of legislation or agency performance in areas such as education or welfare reform. After hearing arguments from representatives for current programs, from program participants and others, the jury would decide if current legislation or agency practices are unsatisfactory in certain respects. If so, legislators or administrators would be required to address the shortcomings.

WEBSITES OF INTEREST

American Association of University Women: www.aauw.org
Center for the American Woman and Politics: www.rci.rutgers.edu/~cawp
Center for Policy Alternatives: www.cfpa.org
Center for Women's Policy Studies: www.centerwomenpolicy.org
Feminist Majority: www.feminist.org
Institute for Women's Policy Research: www.iwpr.org. Links to several websites
Kentucky Commission on Women: www.state.ky.us/agencies/women/kcwhome.htm
National Association of Commissions for Women: www.nacw.org
National Conference for State Legislatures: www.ncsl.org
National Women's Political Caucus: www.feminist.com/nwpc.htm
Urban Institute: www.urban.org. See New Federalism project
Wider Opportunities for Women: www.w-o-w.org
Women Leaders Online: www.wlo.org
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WELFARE REFORM AND CHILD SUPPORT POLICY IN THE UNITED STATES

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ABSTRACT

The issue of child support is an important part of welfare reform, although it has been given less attention than other aspects of recent welfare reform legislation. The new welfare bill mandates more vigorous collection of child support awards with the expectation that increased child support will supplement women's wages and will help to lift poor women and children out of poverty. In this paper, I demonstrate the limitations of recent child support policies and argue that despite improvements in child support enforcement, some women will continue to receive no child support. The data for this paper come from an analysis of the recent welfare reform bill and other child support policies, and from my study of a random sample of divorced mothers and their efforts to secure child support (Kurz 1995).

This paper examines the claims of the new welfare bill, the Personal Responsibility and Work Reconciliation Act (P.L. 104-193), about child support. The goal of the new welfare bill, which ends the entitlement of poor women to state funding, is to have women support themselves exclusively through private means. The current plan for poor single mothers, as embodied in the new welfare legislation, is that they will support themselves and their children through a combination of paid work and child support from the children's father.

While policy makers and the media have focused on the work requirements of the new welfare bill, child support is also a very important part of the reform plan. The assumption is that child support will make up for what women don't get in wages and will ensure that children are adequately supported. Policy makers hope that higher rates of child support collection will reduce the poverty rate of single mothers and their children and their need for support from the welfare system and that this will enable the state to further reduce the welfare rolls.

It is fortunate that policy makers have turned their attention to the issue of child support, which can be critical in helping single mothers and their children to escape poverty. Many single mothers cannot find jobs that pay a sufficient wage for themselves and their children, provide healthcare benefits for themselves or their children, or enable them to cover childcare costs. These mothers risk poverty. Forty-seven percent of all single mothers (and 39 percent of all divorced mothers), live below the poverty level (U.S. Bureau of the Census, 1993). Researchers have established that regular child support payments would improve the standard of living of women and children and would lift a number of them out of poverty (Nichols-Caseboldt, 1992).

Unfortunately, however, fewer than one-third of single mothers have been receiving regular child support (US Bureau of the Census, 1991). According to the Government Accounting Office, "Of the nearly $35 billion in child support payments owed nationwide under the Child Support Enforcement Program, more than $27 billion remained uncollected at the end of fiscal year 1992. During that year, more than 5.7 of the 8.5 million noncustodial parents owing child support made no payment on the amount owed" (U.S. General Accounting Office, 1994). Nor have child support awards been adequate; they have typically not met even half the costs of child rearing (Weitzman 1985: 278). Further, women have found it extremely difficult to obtain increases in their child support awards as their children grow older and their expenses increase (Garfinkel 1992: 98).

While the attention of policy makers to child support in the welfare reform bill and in social policy more generally are positive developments, in this paper I argue that despite improvements in child support enforcement policies, some women will continue to receive no child support. In this paper, I demonstrate the limitations of recent child support policies designed to improve the enforcement of child support awards. The data for this paper come from an analysis of the recent welfare reform bill, the literature on child support and child support reform, and from my study of a random sample of divorced mothers who were trying to get child support (Kurz 1995). The women in my sample faced a variety of serious obstacles as they attempted to obtain the child support they were due: threats of violence from partners, their former partners' ability to evade the child support system, women's lack of money to pay lawyers. Current child support reforms fail to address these realities of women's situation.

RECENT CHANGES IN CHILD SUPPORT ENFORCEMENT

After many years of neglecting the issue of child support, in the past decade, policy makers have turned their attention to child support enforcement as a tool for decreasing the welfare rolls by increasing the income of poor women. The new welfare bill, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWGRA) requires that families receiving TANF-funded assistance assign their child support rights to the state. First, those receiving assistance must "cooperate" in "paternity identification" to receive welfare benefits. Second, mothers must cooperate with the child support process. The point of these rules is to enable the state to find the father and get the father to pay child support. The Federal Welfare bill mandates that if a woman does not cooperate, her welfare grant must be reduced by at least 25%, and may be reduced more if the states wish. Mothers can be exempted from this requirement, but only if there is "good cause." It is up to states to define what is "good cause."

The new welfare bill also takes steps to improve the enforcement of child support orders. States must pass legislation providing for the revocation of licenses of those who do not pay child support, including drivers licenses, fishing and hunting licenses, and professional licenses. Some states had already taken measures such as these, but the welfare bill requires all states to act on revoking licenses as a condition of continuing to receive federal child support enforcement funds. The welfare bill also mandates the creation of national and state registries for keeping records on child support orders and payments, and on newly hired employees, in order to make it easier to locate noncustodial parents. The goal is a more unified system for collecting and distributing child support payments.

These reforms build on legislation enacted in recent years to make child support enforcement more rigorous, including laws mandating the referral of difficult child support cases to the Internal Revenue Service, or the IRS, for collection, imposing liens on real and personal property, and reporting arrears to credit agencies (Roberts, 1994). The most important and effective reform for child support enforcement enacted to date is income withholding, a procedure by which an obligator's (typically the father's) payment is withheld from his paycheck by his employer, who then sends the money to the state child support agency (US Dept. Of Health and Human Services, 1993). The Family Support Act of 1988 required that by 1994 all states adopt laws that contain a provision for immediate wage withholding for the amount of child support awarded (Garfinkel, Melli, and Robertson, 1994). Garfinkel estimates that income withholding will "increase the national amount of child support collections out of total child support obligations from fifty-nine percent to between sixty-five and seventy-seven percent" (Garfinkel 1992: 47).

I argue that while the enactment of these reforms is very positive, some women will continue to experience great difficulty collecting their child support awards. Some of these problems of child support enforcement have been invisible to child support authorities and policy makers, while others have been ignored. In the following section, based on the experiences of the women in a study I conducted, I address the problems mothers will continue to face in negotiating for child support and enforcing child support orders, even after the passage of recent and proposed child support reforms. The data reported here are based on an interview study of a random sample of a diverse group of 129 divorced women with children drawn from the 1986 divorce court records of the county of Philadelphia. The larger study focused on a variety of topics including how women viewed the ending of their marriages, how they managed on their reduced incomes, how they negotiated for resources from ex-husbands and the state, and what custody and visitation agreements they made (Kurz, 1995). The mothers in this sample received child support at a rate similar to national averages (U.S. Bureau of the Census, 1991).

In their negotiations for child support, the women in this sample reported four serious problems: fear of reprisals from their ex-husbands, inability to collect child support from ex-husbands who can evade the child support system, difficulty securing legal help, and ex-husbands' inability to pay child support. In the remainder of this paper, I will describe women's how these problems seriously comprised women's ability to obtain child support. The paper will conclude with suggestions for reforms that are needed to address these.

FEELING FEARFUL AND AVOIDING CONFLICT

Thirty percent of all women in my sample stated that they were fearful during their negotiations for child support. There are strong indications that their fears caused some of these women to reduce their demands for child support. Only 34 percent of the women who reported being fearful received regular child support, in contrast to 60 percent of those who did not report fear during negotiations for child support (a statistically significant difference). A high percentage of women who were fearful had experienced violence during their marriages (also a statistically significant relationship). Fifty-four percent of the women reported at least several acts of violence during their marriage or the separation; and 19 percent of women said they left their marriages because of the violence. These figures on violence during marriage are similar to those found in other studies (Kurz 1995: 253).

The qualitative data confirm that women are fearful about getting child support. One woman now regrets that she didn't get any child support. She says that at the time of negotiating for child support she was afraid:

> *"I felt that if I had pushed him for things, he would have beat me up. I also figured he never would pay." [a 24-year-old woman with two children on AFDC]*

Some women are also fearful because of their experience of violence during the separation. Increasing numbers of researchers are concerned about high levels of violence during separation, or "separation assault" (Mahoney, 1991), and some believe there may be even more violence during periods of separation than during marriages (DeKeseredy and MacLeod, 1997).

Thus, fear is a strong factor in women's ability to obtain child support. Because of the possibility that some women may be fearful of their former partners, it is very important that abused women not be forced to negotiate for child support with their abusers. Great care must be taken in the implementation of the requirement of the Personal Responsibility and Work Reconciliation Act that mothers cooperate with paternity establishment. Fortunately, amendments to the new welfare bill have provided waivers so that abused women who qualify do not have to identify the fathers of their children, which might put them in danger (National Resource Center on Domestic Violence, 1997). It is critical that states, which are responsible for enforcing most aspects of the welfare bill's child support provisions, support these waivers. Unfortunately, it is not clear how generous or understanding states will be of the situation of abused women. States are now under heavy pressure to reduce their welfare caseloads. This means they must help women to gain access to the only other potential sources of income available to them, jobs and child support from their children's fathers. Thus, given that states now want to ensure that fathers pay child support as a way of trying to get women off of welfare, they may not view protecting abused women as a high priority.

EVASION

It has long been known that many women do not receive child support because their ex-husbands can successfully evade paying it. Recent child support reforms have tried to address this problem. For example, income withholding, described above, should greatly reduce the ability of fathers to evade paying child support because payments are automatically issued and are not dependent on actions taken by fathers.

Unfortunately, however, the experiences of some of the women in my sample indicate that even with income withholding, some women will not get child support because their ex-husbands will still be able to successfully evade the system. Of those women who had income withholding agreements, 27 percent received no child support, a figure consistent with Garfinkel's estimates that 23 percent to 35 percent of women nationally will still not receive child support even with income withholding.

Evasion was the major problem reported by those women who had income withholding agreements and were not receiving child support. Said a 31-year-old mother of two who had been married 7 years,

> *"I got the wage attachment. When he found out he was going to court, he quit his job. He makes money under the table."*

Another said:

> *"My ex-husband doesn't pay child support at all. I've contacted the court. They say they've written him and that they're going to attach his wages. When my ex-husband found that out he called me and said he would make sure his employer said that he didn't know him." [34-year-old day care worker married 8 years separated 1 year after marriage, 1 child]*

As well as the problem of "working under the table," some women report that their ex-husbands lie about their financial circumstances; although their ex-husbands work full-time, they tell the court that they are not working, or are working only part-time. These women cannot then provide any evidence that the fathers are earning income in the underground economy. In addition, some women reported that their former husbands simply disappeared and are impossible to locate. The court told one woman they could try to locate her ex-husband through the Internal Revenue Service, but he had never paid taxes, so this did not work. Fathers' ability to evade the child support system can also result in women receiving a lower child support award than they are entitled to. Some women complain that their awards are inadequate because their ex-husbands, who were working under the table, did not report their full income.

Fortunately, some states have developed measures to reduce fathers' ability to evade paying child support, such as requiring employers to report all new hires or rehires. Some states also include a new-hire report as part of the W-4 reporting system that employers already use for collecting tax-related information. Other states have developed child support registries to collect abstracts of support orders and financial data about parents. Employers send support payments to the central registry with a list of the parents from whom the support was withheld, and the registry credits the proper account and disburses payments (Roberts 1994: 22-23).

Wage withholding, computerization and employer reporting systems will markedly improve the child support system. Some men, however, will continue to go to great lengths to avoid paying child support. As noted, Arendell (1995) found that some fathers in her sample, as a way to exert their power, did not pay child support. Angered by their loss of authority, and by the ability of the court to order them to pay child support, they refused as a kind of symbolic act of resistance. Several remained unemployed or underemployed in order to avoid paying child support. Some reported working in the underground economy to avoid child support payments. They shared a view that child support was "their" money. Refusing to pay it was resisting unjust authority.

LAWYERS AND LEGAL ASSISTANCE

Almost all the women in my study wanted to retain lawyers who would provide them with information and guide them through the process of negotiating for resources, which they saw as a difficult one. Most of them were overwhelmed at the prospect of collecting all the appropriate information and believed that lawyers could be very helpful to them. Lawyers can benefit women in many ways, such as by helping them to determine their own and their husbands' assets and to establish whether their husbands may be concealing any assets. Research shows that divorced persons with lawyers secure more resources from the marriage (Seltzer, 1991) and also have a greater chance of securing favorable custody arrangements (Maccoby and Mnookin, 1992).

The women in my sample faced major problems obtaining good legal information. Most of their problems were related to the high cost of good lawyers, which prevented some women from hiring lawyers, and others from finding lawyers of good quality. Divorce lawyers charge anywhere from $125 to $350 an hour (Katz 1994: 55). Seventeen percent of the women had no legal assistance. These women were generally the poorest women. Even many of the women who did have lawyers, however, had to rely on the cheapest legal advice they could find. Many of these women believed that the fact that they had to settle for whatever lawyer they could get put them at a disadvantage in negotiating for child support, and that they did not get the information they needed. Some women claimed that their lawyers never told them about getting child support. One woman said:

> *"The lawyer had a clerk do it. He just didn't keep me informed, he didn't know what was going on. When you pay a lawyer you expect him to know what's going on. For example, he didn't tell me how to go about getting child support." [28 year-old white medical secretary, married 6 years, 1 child]*

EX-HUSBANDS' INABILITY TO PAY

Finally, some of those women in my study who received no child support, primarily women living at the poverty level, reported that their ex-husbands could not afford to pay child support. These men are more vulnerable than others to unemployment and discrimination. They also typically must pay more child support than other men. Courts set higher levels of child support awards for poorer men than others and some of these men may have children to support through other relationships (Garfinkel 1992: 76-77). In addition, proportionately more poor fathers are sent to prison for failure to pay child support (Garfinkel 1992: 76-77). However, it is also the case that nationwide, the average income of fathers whose former partners are on welfare is $13,000 to $21,000, which is higher than the median income of their former wives (Roberts 1994: 17).

What should be done when fathers' incomes are low? Whose responsibility is it then to ensure that children are able to have an adequate standard of living? Different approaches to calculating the child support obligation of low-income fathers have been suggested. One is that noncustodial fathers whose children are receiving welfare should provide 25 percent of their income to support two children, or for those at the lowest end of the scale, $2,000 a year (Roberts 1994: 37). Garfinkel argues that a percentage of income approach would also help address the problem of fathers with low incomes. If the father is poor or unemployed, under a percentage of income approach he will have a low child support obligation (Garfinkel, Melli, and Robertson 1994: 92).

Another way to increase the ability of noncustodial fathers whose children are receiving welfare to contribute to their children's support is to improve the job prospects of these fathers. In the 1980s some localities, such as Prince George's County, Maryland, began to offer education and training opportunities to low-income fathers who were unable to meet their child support obligations (Roberts 1994: 37-38). The idea of assisting low-income fathers so they in turn can support their children was adopted by Congress in the Family Support Act of 1988, which authorized several demonstration projects to test approaches to training and employment for fathers of AFDC children. The problem with this approach is that funds for such training programs are usually limited and unpredictable.

CONCLUSION

In this paper I have described some of the problems mothers face in obtaining adequate child support and have demonstrated the larger problem of getting the carework of mothering recognized in child support agreements. This paper has also addressed women's problems enforcing child support orders. Current policies in the determination and the enforcement of awards ignore the work of mothers and the realities of their lives. Data from the women in this study show how evasion, fear, lack of legal services, and the low income of their former partners will continue to prevent some women from obtaining child support.

These limitations suggest that it is very important that child support not be seen as the solution to the problem of single mothers' economic insecurity. Child support is a private transfer of funds and as such is contingent on the noncustodial parent having a sufficient income, and on a certain amount of good will on the part of ex-husbands not to seek to evade the system. Thus, other measures must be taken to increase the independence and security of divorced women with children.

The problems these women identify demonstrate that we must adopt a child support assurance system, such as exists in some European countries (Kamerman & Kahn, 1988) and has been proposed in the United States. Such a system guarantees that if a woman does not receive all of the child support she is owed, the government will make up the difference to her while trying to collect child support from the father. Garfinkel (1992) has been a main proponent of such a system. He proposes a child support assurance system that would not be income tested, but would be available to all women without any stigma attached. He argues that an assurance program would reduce poverty and promote security and independence for all single parents. A child support assurance system could also reduce the danger to women who have experienced violence. These women could more easily negotiate awards through the government and remain apart from the process of having to negotiate enforcement through their ex-husbands.

ENDNOTES

[1] The women were interviewed in 1987 and 1988. (Most women lived within the limits of the city Philadelphia, which is contiguous with the county of Philadelphia and which has a population of approximately 1,600,000. A small minority lived in the suburbs.) The women in this sample shared many characteristics with women in a national sample of divorced women (Maccoby and Mnookin, 1992, p. 62). The racial distribution of the sample approximates that of the city, with 61% white women, 35% Black women, and 3% Hispanic women (Philadelphia Health Management Corp., 1988). Forty-eight percent of those contacted agreed to be interviewed, a good response rate for divorced mothers, who can be difficult to locate because they move more frequently than married mothers (Weitzman, 1985, p. 408).

[2] While divorced mothers receive child support at a higher rate than single mothers, many of them also do not receive child support. In 1989, of the 58% of divorced women nationwide who had a child support order, 51% received full support, 24% received partial support, and 25% received no child support (U.S. Bureau of the Census, 1991). Since many of those 28% of divorced women who have no child support order receive no child support, the actual number of divorced women receiving no child support is much higher than 25%.

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PATHS TO EMPLOYMENT: THE ROLE OF SOCIAL NETWORKS IN THE JOB SEARCH FOR AFRICAN AMERICAN WOMEN ON WELFARE IN SAN FRANCISCO

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ABSTRACT

Because of welfare reform, many women on welfare in San Francisco are currently looking for work. This study looks at their job search strategies and work experience, finding that they have obtained almost half their jobs with the help of social contacts. However, many lack the employed social contacts that are most useful in obtaining jobs. Moreover, reliance on contacts tends to lead to jobs, both formal and informal, within the neighborhood of residence. This study has important policy implications for welfare-to-work programs, in particular the importance of developing human capital and job search skills to compete better in the formal labor market, but also the possibility of creating formal jobs from the informal work women are already performing in their own neighborhoods.

INTRODUCTION

The passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 mandates 30 percent of women receiving welfare (Temporary Aid to Needy Families, or TANF) to work by mid-1998, and 50 percent by mid-2002. The assumptions underlying the new welfare-to-work requirements, as well as typical economic development programs, are that jobs are available or relatively easy to create via tax incentives and other means, and with opportunities available, local residents will obtain jobs and withdraw from the welfare program. In fact, welfare dependency does decrease when the economy improves (at the peak of the business cycle) or when government programs aid job creation; welfare recipients are more likely to transition into employment (Bane & Ellwood 1994). But the existence of employment opportunities only provides a structural context. It is in the process of social interaction B in the form of formal or informal applications or searches for jobs in the local labor market B that matches between workers and employers occur. Thus, despite a strong economy, some welfare recipients are far less likely to obtain jobs, because of their lack of social contacts who hold jobs, as well as their isolation from available low-skilled jobs.

This paper focuses on the employment process itself, specifically the job search strategies of low-income women on welfare. It is hypothesized that women on welfare experience considerable difficulty obtaining stable employment, in part because they lack the social resources, particularly social contacts already in the labor force, which could help them in the job search process. The process of getting a job is also shaped by the availability and accessibility of jobs in the local labor market, as well as the human capital, in terms of education, work experience, and continuity in labor force participation, of welfare recipients. Specifically, this study addresses three research questions:

- What are the labor force characteristics, in terms of job search strategies and work experience, of women on welfare?
- What is the relationship between job search method and employment characteristics, including type, location, wages, stability, and job satisfaction, for women on welfare?
- How does the extent of the social network, familiarity with the local area, and presence of a boyfriend or informal work affect work experience for women on welfare?

The study relies on in-depth, semi-structured interviews with African-American women on welfare in San Francisco. Such a qualitative approach is used in order to learn about aspects of the job search not typically studied in large national datasets like the Current Population Survey, the Panel Study of Income Dynamics, and the National Longitudinal Survey of Youth, such as the extent of social resources available for the job search, the availability of informal work opportunities, and the geographic extent of the job search. To make comparisons between respondent data and the overall low-skill labor supply in San Francisco, data from the 5% Public Use Microdata Sample (PUMS) of the U.S. Census is used.

LITERATURE ON SOCIAL NETWORKS AND WOMEN ON WELFARE

With the exception of the Urban Poverty and Family Life Study in Chicago, which indicated that jobless African-American females on AFDC have particularly insular social networks and restricted labor market radii (Wilson 1996), no studies to date have focused exclusively on the job search strategies of low-income urban women. However, an extensive literature exists on the role of social networks in the job search and on the labor force experience of women on welfare.

Social networks

Job search theory, as developed by Stigler (1961) and others, focuses on the importance of information gathering. Job search proceeds until searchers are offered a job at or above their "reservation" or minimum acceptable wage, or until the marginal benefit (of greater wages) equals marginal cost (of spending time to acquire additional information). Job search may occur via direct application, formal or informal means. Direct application occurs when the potential employee visits or writes to an establishment in the hopes that an opening is available. Formal channels are provided by impersonal institutional intermediaries, such as employment agencies, union hiring halls, or newspaper advertisements. Informal job searches occur when workers seek information through personal contacts, such as relatives, friends, acquaintances, or teachers. Potential employers and employees often rely on such social networks to help overcome the information gap in the job search.

The importance of informal contacts in the job search was established in the early 1970s for both blue-collar jobs (Rees & Schultz 1970) and professional/technical/ managerial occupations (Granovetter 1995). Perhaps the most influential of Granovetter's findings, later confirmed by Lin and others (Lin, Ensel, & Vaughn 1981), was that weak ties (e.g., work contacts, casual acquaintances) play an important role in the job search by providing access to more varied sources of information, from a greater variety of people, than a more dense personal network of family and friends. The importance of weak ties in the job search is one reason that women on welfare may have particular difficulty obtaining jobs through contacts, since lower socio-economic status is associated with smaller networks and smaller proportions of weak ties, and women have fewer weak ties than men (Fischer et al. 1977; Fischer 1982; Moore 1990). Another problem, particularly for African-Americans, is under-representation of both weak and family ties in the work force, which places such minorities at a disadvantage in using informal channels of job information (Braddock & McPartland 1987; Granovetter 1995). In general, African-Americans rely less on contacts in the job search than do other ethnic groups, and African-American women less than all other ethnic/gender subgroups (Wilson 1996; Green, Tigges, & Diaz 1996; Corcoran, Datcher, & Duncan 1980).

Members of low-income groups may experience difficulty in the job search not only because of the lack of weak ties, but also because of the frequency of labor market entry and exit B the lack of job stability or experience of long-term employment. Careers of substantial length or variety create a "snowballing" effect in developing a contact network. But the chronically or frequently unemployed only have small numbers of contacts to "signal" their productivity, and their continuing failure in the labor market precludes them from acquiring the critical new contacts, particularly with stable labor force participants (Granovetter 1988; Wilson 1996). This is also true for women experiencing labor force interruptions with childrearing, as evidenced by studies which find that women use ties (of all kinds) in the job search less than men (estimates range from 40 to 50 percent for women, with men a few percentage points higher) (Granovetter 1995; Campbell & Rosenfeld 1985; Corcoran et al. 1980; but see Hanson & Pratt 1995).[3] Because women enter and exit the labor force frequently, and often are secondary wage earners, they are more likely than men to find jobs without active search, a process in which personal contacts play a particularly prominent role. Hanson & Pratt (1995) found that 78 percent of female nonsearchers used a personal contact, but only 25 percent of searchers. Moreover, the household responsibilities of women result in day-to-day space-time constraints in employment location, leading women to look for jobs that are located relatively close to home (Hanson & Pratt 1995; Pratt & Hanson 1991).

Welfare and labor market experience

A growing body of literature is looking at the relationship between welfare and work for low-income women, finding in general that women are cycling between low-wage jobs and welfare recipience (Bane & Ellwood 1994; Edin & Lein 1997; Harris 1993, 1996). In general, there is little difference between women who work and women on welfare, except that former have special circumstances that make work affordable, such as child support, low rent, few child care/commuting costs, or full benefits (Edin & Lein 1997; Duerr Berrick 1995). In fact, approximately half of women on welfare are already working, either in jobs reported to the welfare agency or in informal, unreported work on the side.

Research generally shows that the principal cause of "cycling" on and off of welfare is the mismatch of labor demand and supply. Half or more of all exits from welfare are work-related, while returns to welfare occur because of child care problems, social isolation, human capital, and family economic status (Harris 1993, 1996). When women return to welfare from work, or choose welfare instead of working, their decisions are generally economically rational (Bane & Ellwood 1994). Women on welfare are aware that the labor market choice may make them worse off in both the short-term (unless transportation and child care are subsidized), and the long-term, as it offers them only dead-end jobs with little chance for advancement (Edin & Lein 1997). Research has shown that the long-term earning capacity of women who have collected welfare at some point is significantly lower than that of other women (Burtless 1995). Because of these concerns, it is not surprising that women on welfare have reservation wages of eight to ten dollars per hour (Edin & Lein 1997; Gueron & Pauly 1991).

METHODOLOGY

The fifty study respondents were drawn from the universe of the 8,800 female welfare recipients in San Francisco. The welfare population in San Francisco is extremely diverse ethnically (42 percent African-American, 23 percent Asian, 19 percent Latina, and 16 percent Caucasian/Russian), and most of the Asian, Latina, and Caucasian recipients are immigrants with poor English skills. Because previous studies have shown substantial variation in social networks among different racial/ethnic groups, only African-American women were interviewed for this study.

In order to reach respondents with enough job search and work experience to investigate the role of social networks, respondents were strategically sampled: the study targeted women over 19 who were actively looking for jobs or had recently conducted a job search. All of the women had some formal work experience, either while they were receiving welfare benefits or between welfare "cycles." Researchers studying welfare recipients (e.g. Edin & Lein 1997; Waller 1996) generally recommend sampling through personal referrals rather than state welfare offices, in order to gain the trust of respondents. However, such "snowball" sampling raises the issue of validity in this instance, since the subject under study is the social networks of respondents. Thus, three different sampling methods were used: respondents were recruited through personal referrals; through a flyer placed in the county welfare office and local community-based organizations and churches; and through recruitment talks given at the county welfare-to-work program.

Altogether, 22 respondents were recruited through snowball sampling, eight through the flyer, and 20 through the recruitment talks. A comparison of the results across sampling methods revealed significant differences for three variables (out of a total of approximately 40), all related, not surprisingly, to the respondent's connectedness to a social network.[4]

Questions about the reliability of the results also arose because of racial, class, and other differences between the respondent group and the interviewer: the respondents were African-American, low-income mothers, and the primary interviewer (myself) was white, middle-class, highly educated, and childless. To help determine the effect of such differences on the research results, one of the interview respondents (Sarita) was hired and trained to conduct some of the interviews, which were all audiotaped. Altogether, I conducted 28 of the interviews alone, Sarita and I conducted 13 interviews together, and Sarita conducted 9 interviews alone. A comparison of the results across interviewers revealed significant differences for two variables: the respondents I spoke with were able to list more work experience (an average of 4.5 years, versus 1.3 years for the respondents interviewed by Sarita alone or with me, $p = .01$), and the respondents I interviewed showed more familiarity with the Bay Area ($p = .05$). Much of this difference can be ascribed to variation in interviewing technique: I tended to probe into job history and locational familiarity more deeply than Sarita did. It is also possible that respondents exaggerated their work experience when speaking with me; however, the extent of geographic knowledge would be impossible to falsify. Interestingly, on several particularly sensitive issues, there were no differences in interview results: the respondent was just as likely to yield information about whether she works on the side, has a boyfriend, or has experienced discrimination with me as with Sarita.

Interviews were generally conducted at the respondent's house; however, a few were held at the welfare-to-work center, a few were held in fast-food restaurants, and Sarita conducted a few at her house. Respondents were paid twenty dollars in cash for participating, and the interviews lasted one to two hours. The interview format was semi-structured: the same open-ended questions, with the same wording, were asked of all respondents, but the order of the questions varied, as the interviews took the form of a conversation. The use of conversation served two different purposes: it increased the respondent's trust of the interviewer, as respondents were able to tell stories about their experiences, and were encouraged by the interviewer sharing her own experiences, and it allowed the interviewer to double-check the responses, as for instance the respondent offered new details about a particular job during discussion of another job, or the interviewer gained opportunities to ask the same question in several different ways during the conversation.

Interviews ranged over a number of topics. A series of questions were asked about the respondent's familiarity with the Bay Area, including where she has lived, places she has visited, and stores that she shops at. Another series of questions focused on eliciting how many friends and family members are located in the area, how much contact the respondent has with neighbors, and whether the members of her social network were employed or not. Other questions drew out the respondent's job history, including job satisfaction, location, duration, and remuneration. One segment of the interview looked specifically at job search strategies, eliciting experiences with job applications. Finally, a series of background questions were asked, to determine the respondent's education, number of children, duration of welfare recipience, and other factors.

RESULTS

Labor force characteristics

Tables 1 and 2 summarize the characteristics of the 50 respondents in the sample and the 169 jobs held by the respondents. Overall, the average study respondent was 32, with three children, nine years on welfare, and three years of work experience. The average number of local friends and family the respondents could name was just over eight, while the number of employed friends and family was 4.5, and the number employed in jobs within industries relevant to the job goals of respondents was an average of 1.6. The mean reservation wage of respondents was $7.88, and more than half of respondents had only a high school diploma, GED, or less. Over eighty percent of respondents mentioned getting help from a boyfriend or a child's father, and 85 percent mentioned doing some kind of informal, unreported work on the side (it should be noted, however, that these figures include data from only 60 percent of the respondents, as the others were unresponsive or gave unreliable answers to these questions).

To examine job search strategies, the 169 jobs (which include only jobs in the formal labor market) in the sample were weighted by respondent case, to control for individual differences in networks, human capital, and strategies; because welfare policy targets individuals, not jobs, the appropriate unit of analysis is respondents.[3] Approximately 47 percent of the 169 jobs in the sample were obtained via contact, and for the jobs in which a contact played a role, over 80 percent played an active role in getting the job for a respondent (as opposed to simply informing her about the opportunity) and 31 percent of the contacts were family members (as opposed to friends or acquaintances). Overall, some 76 percent of jobs were located inside of San Francisco, with 20 percent located in the same neighborhood as the respondent resided in. Approximately 74 percent of all jobs were in six occupational fields: clerical work (including receptionists and postal clerks), cashier work, food preparation, janitorial or housekeeping, nursing, and security.

Using the 5% PUMS sample from the 1990 Census, it is possible to compare the job characteristics of the group of respondents with those of the female, African-American workers who lived in San Francisco in 1990. Overall, as shown in Figures 1, 2, and 3, the welfare recipients interviewed earned substantially less, were much less likely to travel to a job outside of the city, and were substantially better educated than San Francisco residents who were employed in similar occupations.[4]

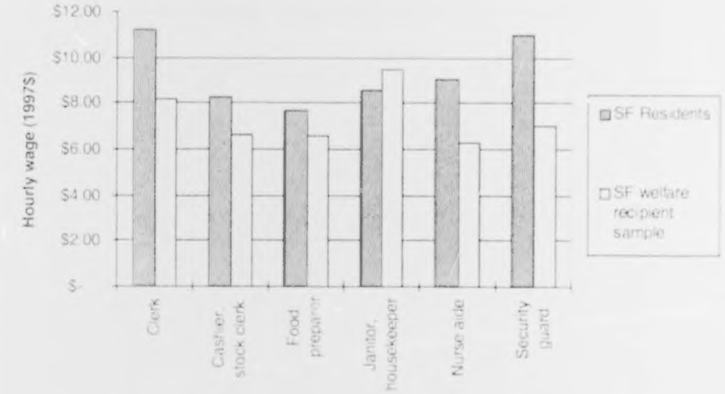
Table 1. Respondent Characteristics.

Variable	Definition	Mean/% (SD)
AGE	age of respondent	31.6 (7.2)
KIDS	number of kids	2.8 (1.7)
WELFYEAR	years on welfare (total)	9.1 (6.1)
FAMPAL	number of family/friends in Bay Area	8.2 (3.8)
FAMPALJB	number of family/friends in B.A. with jobs	4.5 (2.5)
FAMPALJG	number of family/friends with related jobs	1.6 (1.6)
WORKEXP	total years worked (sum of job lengths)	3.1 (4.1)
WAGELOW	reservation wage	$7.88 ($1.97)
BOYFRND	dummy, 1 = boyfriend or child=s father provides some support, 0	80.6% (40.1) = none present
WORKSIDE	dummy, 1 = does some informal work, 0 = not	85.2% (45.8)
HSORLESS	dummy, 1 = educational attainment of HS diploma/GED or less, 0 = some college/vocational training	53.5% (50.5)

Table 2. Job Characteristics.

Variable	Definition	Mean/% (SD)
CONTACT	dummy, 1 = contact informed about job or helped to get job, 0 = formal means/direct application	46.8% (50.0)
LENGTH	duration of employment in job (years)	1.19 (2.01)
WAGE	hourly wage (1997 dollars)	$8.18 ($3.08)

Figure 1. Hourly wage (in 1997 dollars) by occupation for female, African-American San Francisco residents and welfare recipients.



Sources: 5% Public Use Microdata Sample, 1990 Census; author's interviews.

Job search strategies

Overall, almost half of the jobs found by the welfare recipients interviewed had been obtained using a contact, with the remainder found using more formal job search strategies (Figure 4) B a finding consistent with the literature on women and job search strategies.[5] To explore how job search strategy affects employment wage, stability, satisfaction, type, and location, a series of difference of means tests and simple correlations were computed, comparing jobs obtained through contact (either providing information about the job or intervening directly in the hiring process) with those obtained by more formal means, including the assistance of a public or private employment agency, direct application, or responding to a newspaper advertisement.

Jobs obtained via contact tended to be higher paying ($8.34 versus $7.92 for jobs obtained via formal means) and more satisfactory (respondents liked 65 percent of the jobs obtained via contact, versus 53 percent of the jobs obtained via formal means), while lasting about

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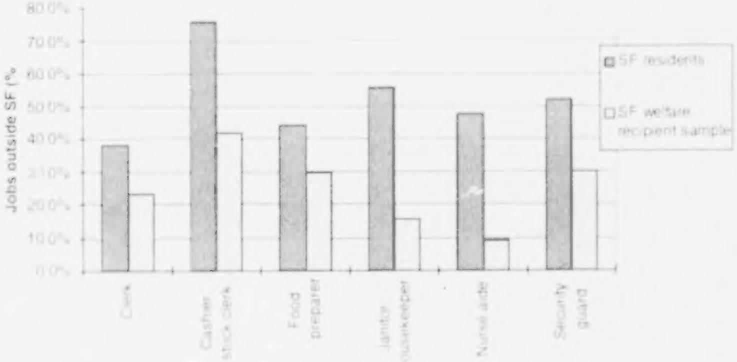
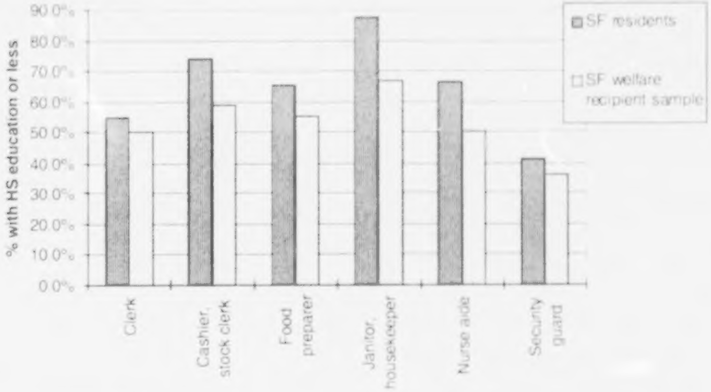
Figure 2. Percent of low-wage jobs located outside of San Francisco by occupation for female, African-American San Francisco residents and welfare recipients.



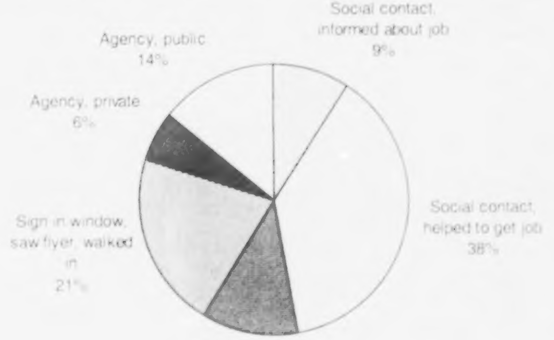
Sources: 5% Public Use Microdata Sample, 1990 Census, author's interviews.

Figure 3. Percent of workers with a high school education, GED, or less, by occupation, for female, African-American San Francisco residents and welfare recipients.



Sources: 5% Public Use Microdata Sample, 1990 Census, author's interviews.

Figure 4. Job search strategy employed by San Francisco welfare recipients.



Source: Interviews by the author.

the same length (one year), however, the differences were not significant. The most significant effects of job search strategy seem to lie in industry type and job location (Figures 5 and 6). Different job search strategies are associated with different industry types, in particular retail jobs: using a contact is negatively correlated with jobs in the retail sector ($r = -0.19$, $p = .02$). Different job search strategies are also associated with job location, in particular whether or not the job is located within the home neighborhood of the respondent or outside of San Francisco altogether: using a contact is positively correlated with working in one's own neighborhood ($r = 0.19$, $p = .02$), and negatively correlated with working outside of San Francisco ($r = -0.28$, $p = .00$).

With contacts playing a role in approximately half of all successful job searches, it is important to examine whether the extent of a woman's social network is associated with her use of a contact to obtain a job. Altogether, obtaining a job via contact was slightly correlated with knowing more family or friends who live in the local area ($r = 0.12$), as well as family or friends with jobs ($r = 0.17$), but the correlation was not significant. Having social contacts was only useful to respondents in their job searches if their contacts were employed in occupations or industries in which the respondent was looking for a job ($r = 0.30$, $p = .05$).

Work experience

As shown above, the job search strategy used to obtain a job does not have a significant effect on the length of employment. However, interviews revealed a number of other factors that may play a role in work experience, including extent of the social network, presence of children under six, familiarity with the local area, and presence of a boyfriend or informal work. Of these variables, only three were correlated significantly with work experience: knowing more friends and family in the local area, ($r = 0.27$, $p = .07$), having young children ($r = -0.28$, $p = .05$), and showing substantial familiarity with San Francisco and the Bay Area ($r = 0.32$, $p = .03$). Presence of a boyfriend and availability of informal work were negatively correlated with work experience, but not at a significant level (perhaps because of the small sample size).

DISCUSSION

Overall, the study results indicate that contacts play an important role in helping female, African-American welfare recipients in San Francisco find work, a role equally or slightly more important than that shown by other studies for African-American women of all incomes. Throughout the interviews, respondents told stories of getting jobs with the help of others. LaTanya's story is typical.

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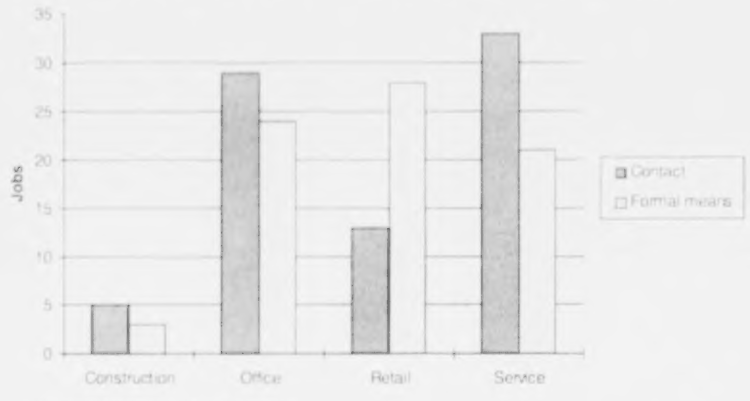
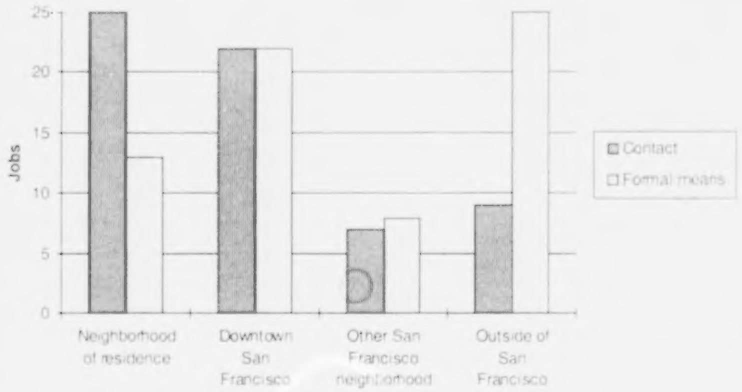
Figure 5. Number of jobs obtained via contact and formal means, by industry type.



Source: Interviews by the author.

Figure 6. Number of jobs obtained via contact and formal means, by job location.



Source: Interviews by the author.

> *I was already taking my daughter there [to the YMCA], and her teacher, I just happened to say, if you hear of anything, let me know. And she said, you know what, we need a reception here. And I was there almost a whole year.*

For Doris, giving job leads is almost a social convention:

> *I always tell somebody if I have a job lead. My circle of people, we do that. I got a lot of people I associate with, some for certain things, some for others, a circle who is consistently looking for work, either they're out of work or in between jobs.*

In fact, for Sheila, finding work through contacts seems to be the surest way of getting a job:

> *Whenever I've wanted work I could find work. [Interviewer: through what?] Through just presenting myself to the people once, you know, some I, some jobs I have gotten because of people that know of me or had heard from somebody else what a good worker I am or have had some people to call me just personally and say, 'look, so-and-so gave me your name and said that you might be interested in this and I have this available,' or 'I be desperate' and I be "where is it at?"*

However, just having contacts is not enough; the contacts must be in the right field, as Stacey, who has been on welfare for 16 years and has worked on the side the entire time, getting jobs through word-of-mouth, points out:

> *My momma never referred me for jobs, because she's in banking, and I'm in nursing. But a couple of her employees that had friends/family that are ill, yes, I've worked for them through my momma like that.*

Yvette F. emphasizes that contacts also must be willing to share information about jobs:

> *I see people that I know that work, but other people be hating you, they don't want to see people get a job, they don't want to hook nobody up, they want to hook they family up before they hook anybody else up.*

Many opportunities to exchange job information are lost because of the lack of trust among low-income neighbors in the community, as Syrenna (along with many others) points out:

> *No, I don't have no friends here. You don't socialize, because people be knocking on your door in 5 minutes for something. I can't take care of nobody.*

As shown by previous research (e.g., Hanson & Pratt 1995, Campbell & Rosenfeld 1985, Granovetter 1995), perhaps the majority of jobs that are obtained through contacts are hires that occur with no active search, although perhaps not all are as lucky as Sheila:

> *And then, one morning my sister had to be there at six cause she works for the temporary agency from time to time and a guy, a couple guys that we been knowing all our lives was driving on the side of us so I said "hey, there go the twins," so I roll down the window "where you guys going?" "We're going to Moscone." And I was just blessed, God just blessed me because it was one of those times where they really was pushing, they really needed some people and they needed ten people and they told me and I got outta the car and I wasn't really dressed properly. I was still kinda half in bed clothes and half in street clothes and I went in and signed the paper and told the lady and, I was parked out front, I told the lady I had to find a parking space, I ran and jumped on the freeway, came home and got dressed and went back and was working like that.*

Many of the women interviewed have gotten most of their jobs when they're not actively applying. This is in part because of the ability to rely on their welfare checks, but also because of alternative ways of getting income, either from working on the side or from male partners. Working on the side for the respondents usually consists of part-time child care, home nursing, housekeeping, or hairdressing for relatives, friends, and neighbors who can pay in cash or in kind; such informal work opportunities invariably come from word-of-mouth, and are typically located in the local neighborhood. Both Sierra and Regina M. have substantial formal work experience, but earn much of their income from braiding hair for cash on the side, and also receive supplementary income from their boyfriends or children's father. Sierra has been on welfare for 12 years, and is calm about the job search, despite pressure from her social worker:

> *I'm not pounding the pavement. I feel like something will come. I don't feel like I have*

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> *to get up every morning and put out job applications. I can drop off resumes, if something comes up.*

Regina M. is also passive about searching, in part because of hopes that she will get a government job:

> *Now I found a reliable child care person, so I can work. I applied for the state, took the test, and now I'm waiting for them to give me an interview. You get paid once a month, but it's okay. Then I won't need any men.*

Another reason women may be reluctant to search actively is because they act economically rational, knowing that welfare will compensate them better than a low-wage job without benefits, or that the job market won't compensate them adequately for the education or experience they've already acquired. In fact, as shown by the comparison of the study respondents with other low-wage, female, African-American workers living in San Francisco, the women in this sample are relatively more educated but earn relatively less than women in the same occupations who aren't on welfare. Malina is on the verge of being cut off welfare, because of her reluctance to apply for jobs, but, as she says:

> *I'm not going to settle for anything. I might as well stay on welfare because 5.25 an hour is what I been getting here. I be getting more on welfare than what I be getting from them, and then I get cut off, no MediCal, and how am I going to take my kids to the doctors. I'm going to have bills, bills, bills.*

Sarita, who has worked for five years as a nurse aide and ten years part-time as a licensed cosmetologist, can't find an occupation that will compensate her enough:

> *It's not necessarily the job, it's the money right now. I have a lot of experience; they're just not paying the money I want. And I want to get up in the morning and be able to say, 'It's pouring rain. Dammit, I want to go to work.'* ...

Perhaps the most common reason the respondents were reluctant to search actively was because they felt that the jobs available don't meet their career goals. Despite having a couple years of college, Hattie has had little luck in her search for clerical jobs — but she doesn't want to try for lesser-paying jobs:

> *I don't want to just do retail because you can't grow in retail, unless you know people or have money or something like that. I want a job for $10 and up, because I'm worth that. My goal is to my first job I get out of here, double my AFDC check. I see older women here [at the GAIN welfare-to-work program], they definitely need training. But they pushing you here, go get any job. You not going to be at that job for long, because you're not going to like it. Jobs as dry cleaning, baggers. That's not no job. I want a career. That's why I'm glad I didn't take those jobs, because I want to get a job I'm going to keep. And it looks bad on your resume, to have a job less than 6 months.*

Some see their own lack of education as the problem. As Keema, who is getting her GED, says:

> *I don't wanna wake up in 10 years and be working at no Ross [clothing store] job.*

Likewise, Tiffany:

> *I mean, I can find a job, but it's not what I want to do. Those jobs want you to have a college degree and something like that.*

Others see the lack of well-paying jobs as the problem. Asked whether she thinks there are enough jobs in San Francisco, Lisa O. replies:

> *Depends on the area you're trying to get the job in. Lots of people want to start at twenty or thirty dollars an hour. 100 people are applying for it. Like my job at See's [candy store], you don't see a lot of people applying to work 8 hours on their feet for $5.50/hour. But if you go for bank jobs, accounting jobs, everybody is pushing for those positions. You can be one out of 50 people they're interviewing just that day.*

Teeny agrees:

> *I can do any type of job. I'd walk behind elephants in the circus, if you paid me enough. The problem is this. I want to be the first lady that drives the garbage truck. I want that job. But there's no openings for that.*

Many won't apply at places they believe will discriminate against them because of their race, either because of past experience or perception. Irene lives in a neighborhood with a large number of family-owned stores, but won't even go in to apply there. Tanesha suspects discrimination at the larger clothing stores:

> *I won't go to Nordstrom's, Ann Klein, stores like that. I would never apply there. You walk in there, and it's just how they look at you, like they better than you, like what are you doing coming in here and trying to get an application.*

Compared to other African-American female workers with similar occupations in San Francisco, the group of respondents is less likely to work outside of San Francisco. Yet low-skilled jobs are gradually decentralizing outside of the city, and, in fact, respondents who were more knowledgeable about other places in the Bay Area tended to have more work experience. However, as shown in the analysis, the reliance on contacts in the job search often leads to jobs located in the neighborhood of residence. For instance, Doris has obtained all her jobs, as a housekeeper or clerical worker, by contact, and almost all have been near her home. She remains out of the labor market currently, in part because she can't find a job within city boundaries at a wage she wants:

> *What's been keeping me from getting a job is the low pay. Jobs that are accessible, easy to get to, are low paying, five dollars an hour.*

Many respondents, like Kim, are aware of job opportunities outside of the city, but would only commute there if they had a car (only 27 percent of the respondents had a car, and only 45 percent had a driver's license):

> *I liked their job market better [in San Mateo County]. There was more jobs available, but further down the highway, Burlingame, Redwood City. I wouldn't mind working there if I had a car. You need two years college, or computer skills, out here. Out there, you don't need that much.*

Many of the women interviewed calculate transportation expenses in order to determine their reservation wage for different areas. For example, Honey won't work for less than ten dollars an hour when she has to take both BART and a bus, because, as she says, "then you're working one day a week for free" because of transportation costs. Lisa O. includes time in her calculation as well as expense:

> *You have to really weigh out transportation, if you can or can't get to the job easily. Is it easy to get to the job, if you have to commute, the time you have to get up, is it really going to be worth going to the job, put in all these hours. You get $6.50/hour, an eight hour job, that's like fifty dollars-some a day, and if you buy the fast pass, it's one to two dollars a day, more if you catch BART. So you're going to have to figure out how much you spend going to this job, how much you spend on expenses, lunch.*

CONCLUSION

Interviews with fifty welfare recipients in San Francisco found that they have obtained almost half their jobs with the help of social contacts. However, many lack the social contacts most useful in obtaining jobs, contacts who work in similar fields. Moreover, reliance on contacts tends to lead to jobs within the neighborhood of residence, often in dead-end service sector jobs such as housekeeping or home health care. Most women also work on the side to earn supplementary income; these informal work opportunities come from contacts, and also tend to be located within the local neighborhood.

This study has important policy implications for welfare-to-work programs. If contacts play an important role in the job search, programs seeking to assist welfare recipients in the job search might best follow the model established by employment brokers, such as the Center for Employment Training in the Bay Area (Melendez & Harrison 1998, Harrison & Weiss 1998). In employment brokering programs, employers are introduced to potential employees early in the job training process, creating in effect proxies for social networks (Giloth 1995; Melendez & Harrison 1998). Employment brokering programs identify areas of labor demand, develop training curricula, in cooperation with industry, and conduct aggressive placement programs.

However, many of the women interviewed obtained many of their jobs when they were not actively searching. In fact, idea of formal job searches seems to be outside the experience of many of the women, who instead wait for contacts to approach them with job information. This is no doubt due mostly to their lack of human capital: with only dead-end, low-paying jobs awaiting them in the formal labor market, women choose the welfare alternative, supplemented by income from working on the side. For example, the placement rate for GAIN (Greater Avenues for Independence welfare-to-work program) in San Francisco is 85 to 90 percent, but job retention is only 50 percent after the first month (Barbour 1997). This raises the question of whether finding jobs is actually the main problem of these women, as Grubb (1995) points out, as opposed to human capital development. The new welfare-to-work program in San Francisco (San Francisco Works) attempts to address this, in part, by providing short-term on-the-job training for women prior to formal placement, through partnerships with businesses. What the new program lacks is a long-term educational component, integrated with training and employment, that will address job retention more explicitly (Barbour 1997).

A final policy implication stems from the finding that many women engage in work on the side. Several of the women interviewed have a substantial clientele for braiding hair; others are looking after children or performing home health care for elderly neighbors. Women are attracted to informal opportunities because of the flexible hours and nearby locations. This raises the question of the feasibility of formalizing some of this work, perhaps through microenterprise programs to provide small loans and business start-up assistance. It is unlikely that such programs will lift the women out of poverty, but at the very least they might help women make the transition into the formal workforce (Servon 1997).

ENDNOTES

1. Some estimates are substantially lower. One reason for the disparity is that some limit the finding a job through a contact category to those who have had an individual intervene actively in their hiring process.
2. In naming the number of family and friends who live locally, those sampled by snowball could list an average of 9.5, while those sampled via flyer or recruitment talk could only name an average of seven ($p = .04$). Likewise, in naming the number of local family and friends with jobs in fields similar to the respondent's, those sampled by snowball could list just over two, while those sampled via flyer or recruitment talk could name an average of 1.2 ($p = .06$). The percentage of jobs obtained by contacts was also significantly higher for those in the snowball sample (55 percent, versus 41 percent in the non-snowball sample, $p = .06$).
3. Approximately 15 percent of the jobs mentioned were obtained prior to having children. However, there was no significant difference between women with children and without on key variables such as job search method employed and job location.
4. Because the interview data comes from 1997 and 1998, and the data for San Francisco resident workers from the 1990 census, the finding that the welfare recipients interviewed had higher levels of educational attainment than similar San Francisco residents is not surprising: in general, educational attainment has been increasing over time for all occupational levels (see, for instance, Carnoy 1994).
5. A survey by the San Francisco Department of Human Services found that 43 percent of welfare recipients had obtained their last job with the assistance of a contact.

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THE CHANGING FOCUS OF WELFARE REFORM: COMPARISON OF CHARACTERISTICS OF WORKING AND NON-WORKING LOW INCOME WOMEN

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ABSTRACT

Recent reforms to the welfare system have changed the options faced by poor women as they decide whether or not to work. This study uses data from 205 face-to-face interviews conducted between July and October 1997, with women living in Lexington, Kentucky who were receiving AFDC as of October 1996. We analyze the variations across the working versus not working subgroups of poor women along three contextual dimensions: material and monetary resources, human capital characteristics, and well-being indicators. Factors that vary significantly are used in a logit model predicting work, and marginal effects for specific predictor variables are estimated. We find that threats to well-being which are not addressed in any federal or state welfare policy significantly reduce the probability of work for poor women.

INTRODUCTION

This paper explores factors that influence the choices faced by women eligible for public assistance as they consider whether to work or remain outside the paid labor force. Data are from face-to-face interviews with 205 individuals living in Lexington, Kentucky who were receiving welfare benefits as of November, 1996. The interviews took place during summer and fall of 1997.

Because of time limits and more stringent work requirements, the work/non-work decision for women eligible for cash assistance under the Temporary Aid to Needy Families (TANF) program is different now than prior to the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1966 (PRWORA). Identification of variables that are likely to predict work behavior provides insight into how this decision-making process may be changing for poor women. Furthermore, a better understanding of the work/non-work decision can provide insight into larger labor force questions, particularly those that involve persons working as well as those seeking employment. Understanding the marginal effects[1] of predictors of the work/non-work decision provides critical information for public policy decision makers who wish to move recipients into employment rather than merely reducing the welfare rolls. A unique contribution of this study is examination of the context of the work/non-work decision for welfare recipients. This study hypothesizes that attitudes toward welfare and work, presence of critical family dynamics, and each respondent's perceptions of well-being are factors that influence the work/non-work decision. This contextual aspect of the work/non-work question has been largely ignored in the decades-old policy debate over welfare versus workfare.

This study operationalizes the contextual elements of the decision whether to work as differences across the working and non-working subgroups of welfare-eligible women within three dimensions: material and monetary resources, human capital characteristics, and indicators of well-being. These contextual elements are then incorporated in logit regression models predicting the probability of work. The marginal effects of variations in respondents' resources, human capital, and well-being on the probability of working are estimated.

This study explores some of the underlying characteristics and indicators of well-being that predict poor women's choices regarding welfare and work. Specifically, two research questions are examined. First, how do material and monetary resources, human capital characteristics, and well-being indicators vary for low-income women — those who are employed, regardless of whether they also receive welfare, and those who are not working and receive welfare?[2] Second, using these variations in material resources, human capital characteristics and well-being perceptions, this study examines how these factors influence the probability of work for these women.

REVIEW OF THE LITERATURE

Numerous literature reviews and individual studies find that neither large state variations nor absolute changes in the generosity and participation rates of Aid to Families with Dependent Children (AFDC)[3] result in *substantial* changes in the labor market behavior of single mothers or the family composition of poor families (Moffit, 1988; Ellwood and Bane 1984; Moore and Burt, 1982; Sawhill, 1988; Hill and O'Neill, 1991; Blank, 1994; Pavetti and Duke, 1998).[4]

Furthermore, evaluations of welfare-to-work programs such as the Work Incentive (WIN) programs implemented in the 1980s, and Job Opportunity and Basic Skills (JOBS) programs run in the first half of this decade offer only modest encouragement for the notion that large-scale mandatory work programs can raise the earnings of poor women on welfare (Gueron, 1990; Petersen, 1992; Manski and Garfinkle, 1992; Greenberg and Wiseman, 1992; Hamilton, 1994; Burtless, 1990b, 1994; Friedlander and Burtless, 1995; Riccio, Friedlander, Freedman, 1994; Friedlander and Freedman, 1995; Pavetti and Duke, 1998). Perhaps of more importance, they point to two important concepts that are not embodied in the current welfare reform policies. First, the impact of work programs vary across the heterogeneous welfare population; and second, while some work programs attempt to combat obvious barriers to employment, such as childcare and transportation needs, none addresses the complex issues underlying poverty.

Labor force participation of the general population of women is an extensively studied topic, in which human capital and other resources are generally assumed to explain the decision to participate. These studies typically model employment as a dichotomous decision that includes the alternatives in the labor force (including unemployment), and not in the labor force.

Using nationally representative data, Jones and Peck (1989) have estimated the probability of labor force participation across gender, race, and age cohorts. Numerous factors appear to increase or decrease, with statistical significance, the likelihood of white women being in the labor force while only a few factors appear statistically related to the likelihood of nonwhite women or white men being in the labor force. In the general population, members of these latter two groups seem to be in the labor force regardless of the human capital and socioeconomic variables studied.

Jones and Peck (1989), found that educational attainment at the high school level or beyond increases labor force participation, as does job training. Health variables are positively associated with labor force participation — good health promotes working for a wage while poor health reduces the probability of employment. For white women in the 25 to 34 or 35 to 44 age cohorts, being married reduces the probability of employment, as does the presence of a child younger than age six. However, these factors have little or no effect for similar age cohorts of non-white women and white men. The sequential question following identification of the factors influencing employment is the question of factors that influence the wage rate. Here, too, human capital and socioeconomic variables are important (Jones and Peck, 1989, 1993).

Little is known regarding characteristics that influence labor force decisions of women whose not-work alternative is associated with welfare receipt. For this subpopulation of women, who experience life-time limits for receipt of cash payments and benefits combined with the push to employment under current welfare reform, the question is not so much what predicts their decision to work, but rather what personal characteristics hinder or help these women gain employment.

The factors that influence labor force participation for women based on the usual human capital models generally agreed on in the literature apply to women on welfare. However, the relationship between those factors and the work/no-work alternative faced by this subpopulation is not the same as that of the general population. This is because the welfare population's alternatives to employment are different.

In studies of the interactions between employer demand, AFDC recipient characteristics, and labor market policy, a consistent theme threads together the similar findings. As Holzer notes, "The modest effect of AFDC on labor supply runs counter to what we would expect if recipients were, in fact, free to choose their levels of employment. The statistical evidence clearly implies that the labor supply of adult women is relatively 'elastic' .... The combination of very high tax rates on earnings and responsive labor supply would imply that AFDC dramatically reduces work effort, if most of these women were free to choose their levels of work effort. Instead, the modest estimated effects suggest that there must be *other barriers* preventing these women from working in the first place" (1996, pp. 13-14, italics added).

Welfare policy studies such as those reported by IWPR, have identified characteristics similar to those found by Peck and Jones (1989, 1993) in recent analyses focusing on factors that increase the likelihood of working among AFDC recipients. As in other studies, factors predicting work include the absence of a disability, availability of jobs, not having infants or toddlers, other income sources such as child support or others' earnings, and greater amounts of human capital, such as work experience and a high school diploma (IWPR, http://www.iwpr.org, 1998). These findings have important implications for the "other barriers" to work that Holzer suspected but did not explore.

Given the characteristics of welfare recipients — low levels of education, work experience, and workplace-appropriate patterns of behavior — a myriad of education and employment training programs have been provided. In earlier work programs much emphasis was placed on investing in the human capital of poor women through remedial and higher education. Most recently, the focus has shifted away from education and toward employment training and swift job placement. In addition, there are limited but important attempts across the states to address drug and alcohol abuse and domestic violence. What remains, however, are the complexities of poor women's lives that go beyond the narrow policy definitions of employment barriers.

Events that tie poor women to welfare include divorce, desertion, or the break-up of a partnership, a non-marital birth, and their own illness or that of a child. Correlates of poverty and welfare use include extremely low educational attainment and little or no work experience, as well as some characteristics that are harder to observe and measure, such as low self-efficacy, a lack of forward thinking, and depression. Qualitative research has attempted to fill the gaps regarding how these conditions contribute to poverty and dependency with descriptions of the lives of poor women and the options and necessities facing them (Edin and Jencks, 1992; Furstenberg, 1993; Jencks and Peterson, 1991; Berrick, 1995; Schein, 1995; Rank, 1994; Edin and Lein, 1997).

While work plays a greater role in the lives of poor women on welfare than was previously thought (Harris, 1991; Edin and Jencks, 1992; Pavetti, 1993; Spalter-Roth and Hartmann, 1994a), women on welfare, and particularly long-term recipients, rely on "income packaging" (Harris, 1996). An estimated forty percent of single mothers combine paid work and welfare, or move from one income source to the other (Spalter-Roth and Hartmann, 1994a) and about two thirds of their welfare episodes end because of employment (Harris, 1993, 1996). However, the economic strategy of "income packaging" combines income from various sources, including paid work, welfare, men, family and friends, and bartering and work outside the labor market (Spalter-Roth and Hartmann 1994a, 1994b).

In a study of the factors affecting the ability of low-income single mothers to function adequately in the areas of parenting, self care, self development, household management, and interactions with the welfare system, Nesto (1994) found psychological, social and material resources played key roles. With regard to self care and self development, important contributing factors include self esteem, mastery of a primary skill, enduring and supportive personal relationships, current life satisfaction and such material resources as housing, healthcare and childcare. Attitudes about the nature and purpose of income support and the mother's belief that her participation in the system is appropriate and necessary influenced her ability to interact positively with the welfare system.

Health is an important factor as low income mothers weigh decisions about welfare use and work. Wolfe and Hill use national Survey of Income and Program Participation (SIPP) data to analyze the influence of health on a single mother's decision whether to work. They conclude that wage subsidies and decreases in benefits are unlikely to increase the labor force participation of single mothers in poor health or mothers with disabled children (1995).

RESEARCH QUESTIONS

Building on contextual elements identified in this literature, two research questions are addressed. First, how do material and monetary resources, human capital characteristics, and well-being indicators vary for low-income women — those who are employed, regardless of whether they also receive welfare, and those who are not working and receive welfare? Second, using these variations in material resources, human capital characteristics and well-being perceptions, which factors predict the probability of work for these women?

The hypothesis tested here is: poor women on welfare who are not working will differ from those who are working in terms of factors that measure resource availability, human capital characteristics, and well-being indicators. Furthermore, these contextual differences are hypothesized to be important in predicting the decision to work for these women.

DATA

This study is based on 205 face-to-face interviews with adults who were receiving AFDC benefits as of November 1996, in Lexington, Kentucky. The interviews were conducted from July through October 1997. This interview timeframe reflects the mandatory deadline of July 1997 for implementation of welfare reform in Kentucky.

The sample was randomly drawn from all adults living in Lexington who were receiving AFDC as of November 1996. If potential respondents had a telephone, they were called to see if they were willing to participate. Those without phones were sent letters explaining the project and requesting that they call the project office to schedule an interview. The interviews were conducted between July and November 1997, and took place primarily in respondents' homes. Of the 205 respondents interviewed, 201 responses are available for use in this study because of computer problems converting the interview data. Additionally, while the sample includes men, they are not a part of the analysis here because the literature upon which this study draws focuses entirely on the employment status of poor women. Thus, the sample consists of 198 women who were receiving AFDC as of October, 1996.

Labor force status distinguishes the two groups of interest in this study. Respondents who indicated during the face-to-face interviews that they were currently employed (n=86) are designated working, and those who indicated they were not employed at the time of the interview (n=110) are not working.

VARIABLES OF INTEREST

During the interview, information regarding all the respondent's children was collected. In order to compile comprehensive data regarding the children, two of the respondent's children were randomly chosen for more in-depth questions: one child between age 6 and 18, and another between infancy and age five ("child one and child two," respectively). If a respondent did not have a child in one of the two age groups, no information was collected in this category.

Measures of monetary and physical resources include: whether the respondent owns a vehicle and/or alternative transportation used; availability of child care; receipt of income/support, and types of benefits received.

Human capital characteristics include: participation in job preparation class or vocational training; educational attainment; and health status of the respondent, "child one," and "child two."

Well-being measures include basic attitudes regarding welfare and the respondent's perceptions of her chances of employment prior to a five-year benefit limit. In addition, six multi-item indicators were constructed to measure threats to physical, mental and emotional well-being, self-efficacy, stress; financial security, basic needs, and resource availability. Five of the scales — TREATMENT, SELF EFFICACY, STRESS, FINANCIAL WORRY, and BASIC NEEDS, reflect threats to respondent's well-being, while the composite indicator MAKE ENDS MEET reflects coping mechanisms that address deficiencies in respondents' resources. Space constraints prohibit including a table with summary statistics for each indicator. This information is available from the authors.

TREATMENT is constructed by summing respondents' indicated occurrence of seven items measuring whether respondents or child/children have received treatment for personal or family problems, drug or alcohol problems, and/or mental health or behavioral problems.

SELF-EFFICACY measures the extent to which respondents believe their ability to work, go to school, or attend job preparation classes is determined by others rather than by themselves. Thus, it reflects a lack of self-efficacy.

STRESS is constructed by summing respondents' indicated occurrence of 10 items measuring stress experienced in past month, as well as the extent to which money problems, respondent, child or others' health problems, worry about children, job or spouse behavior, and trouble coping with responsibilities had plagued respondents in the past year.

FINANCIAL WORRY is constructed by summing respondents' indicated occurrence of six items measuring financial concerns regarding paying bills, getting or keeping a job, getting medical care, buying food, affording housing, or buying clothing for children.

BASIC NEEDS is constructed by summing respondents' indicated occurrence of six items measuring whether in the past 12 months the family had been without phone service,

Table 1: Variables of Interest

Variable	Value	Percentage Distribution for Sample n=198
Respondent's Resources		
Receiving child support for first child	None/Less than half = 0 Half/All = 1	19.2% 80.8%
Receiving child support for second child	None/Less than half = 0 Half/All = 1	17.7% 82.3%
Live in Public Housing	Yes = 1 No = 0	46.4% 53.6%
Have a Car	Yes = 1 No = 0	42.9% 57.1%
AFDC Program Participation	Currently receiving benefits = 1 No = 0	74.5% 25.5%
Current support: Food Stamps	Yes = 1 No = 0	79.6% 20.4%
Description of family's participation	Continuous = 1 Off 6 months or less = 2 Off over 6 months = 3 On/off; varies = 4	33.3% 17.5% 27.0% 22.2%
Description of respondent's AFDC participation	Continuous = 1 Off 6 months or less = 2 Off over 6 months = 3 On/off; varies = 4	36.1% 24.7% 22.7% 16.5%
Respondent's Human Capital		
Education (This variable was used to compute a dummy variable "Completed high school"	<High school/GED = 1 GED = 2 High school = 3 >High school = 4	21.0% 8.5% 25.6% 44.9%
Employment Status	Working = 1 No = 0	43.8% 56.2%
Received Vocational Training as part of AFDC	Yes = 1 No = 0	17.9% 82.1%
Participated in Job Preparation Class	Yes = 1 No = 0	52.0% 48.0%
Respondent's Health	Excellent/Very Good = 1 Good = 2 Fair/Poor = 3	47.7% 31.0% 21.3%
Change in Respondent's Health	Much Better/Some Better = 1 Same = 2 Some Worse/Much Worse = 3	28.9% 57.9% 13.2%
Health of Child 1	Excellent/Very Good = 1 Good = 2 Fair/Poor = 3	86.9% 7.6% 5.6%
Change in Child 1's Health	Much Better/Some Better = 1 Same = 2 Some Worse/Much Worse = 3	48.0% 50.5% 1.5%
Change in Child 2's Health	Much Better/Some Better = 1 Same = 2 Some Worse/Much Worse = 3	52.5% 44.4% 3.0%

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Table 1, Continued

Variable	Value	Percentage Distribution for Sample n=198
Respondent's Well being		
Perception that Welfare makes people work less	Yes = 1 No = 0	92.4% 7.6%
Perception that Welfare helps you get on your feet	Yes = 1 No = 0	93.9% 6.1%
Perception that Welfare encourages you to have kids	Yes = 1 No = 0	79.3% 20.7%
Respondent confident of finding "good" job before 5 year time limit	Yes = 1 No = 0	85.9% 14.1%
AT RISK: At risk indicator: above mean on TREATMENT, FINANCIAL WORRY, and ENDS MEET well being scales	Yes = 1 No = 0	13.1% 86.9%
Basic Demographics		
Race	African American = 1 White = 0	52.3% 47.7%
Marital Status (This item was used to create a "Never Married" dummy variable that = 1 if respondent has never been married, else = 0)	Currently married Past marriage Never married	18.9% 21.4% 59.7%
Age of Respondent	18-24 years old 25-34 years old >35 years old	36.2% 39.4% 24.4%
Respondents with at least one child under 6 years		58.8%
Age of youngest child	younger than 1 year = 1 1 through 4 years old = 2 5 through 12 years old = 3 13 through 18 years old = 4 over 18 = 5	44.4% 31.6% 17.4% 5.6% 1.0%

didn't pay the full amount of rent, were evicted from their home, had the utilities turned off, or could not get medical or dental care.

ENDS MEET consists of informal activities respondents may have engaged in in the past year as coping mechanisms that stem from resource deficiencies. It is constructed by summing respondents' indicated occurrence of five items measuring what respondents did to make ends meet, including borrowing, not buying, pawning, trading, or bartering services.

Additionally, the variable **AT RISK**, designed to provide a measure of relative risk status of respondents, has been created by identifying respondents who are above the mean on the three indicators with the highest Cronbach's alpha scores. These include the TREATMENT, STRESS, and FINANCIAL WORRY measures. The purpose of the AT RISK variable is to examine whether the combination of several indicators of threats to well-being has an influence on working beyond that of each measure by itself.

Table 1 describes the other variables measuring respondent resources, human capital characteristics, and well-being, and provides basic demographic data on respondents. In addition, percentage distributions of the variables of interest are provided for the sample.

The analysis proceeds in two stages. First, to address the hypothesis that the characteristics and indicators described above will vary systematically and significantly between poor women on welfare who are not working, and poor women who are working, t-tests of mean differences on variables measuring resources, human capital characteristics and well-being indicators across the two groups are analyzed. Characteristics found to differ significantly across the dimension of employment status are then used in multivariate logit regression models. These models examine the influence of characteristics of interest on the probability of working. In the interest of space, only the second stage of the analysis is reported here. The complete analysis is available from the authors.

THE IMPACT OF CONTEXTUAL FACTORS ON THE PROBABILITY OF WORKING

In the second stage of the analysis, the contextual factors that differentiate poor women who work and those who do not are used to analyze their effects on the probability of working. A logistic model is employed for this purpose because it provides appropriate tests of significance for dichotomous dependent variables (work and non-work) and can examine the relationship of probabilities on a dichotomous dependent variable with continuous and interval independent variables (Aldrich and Nelson 1984). The choice to use a logistic model over a probit model is a matter of computational convenience since differences in outcomes are minimal between the two methodologies.*

The probability of the respondent working is estimated using the following model:

Y = X beta + C delta + Z alpha + varepsilon

where Y is the probability of working, X is a vector of monetary and physical resources, C is a vector of human capital characteristics, and Z is a vector of well-being indicators, and beta, delta, and alpha are logit coefficients. The last term (epsilon) is an asymptotically normally distributed error term. The relationship of the independent variables on the probability of a respondent working (Prob [Y=1]) is determined by the coefficients in the basic equation for the logistic model shown below:

Prob (Y=1) = { e SUP { beta CHI + C delta + Z alpha } } OVER {1 + e SUP { beta CHI + C delta + Z alpha } }

A convenient way of interpreting the logistic model is to convert the equation to odds ratios, which is defined as Prob (Y=1) / (1 - Prob (Y=1)). Odds ratios multiplicatively increase or decrease the probability of working for a one-unit increase in the dependent variable. Odds ratios furthest from one in either direction have the greatest magnitude in the change in the odds of work (Menard, 1995). Odds ratios greater than one indicate that the odds of working increases as the independent variable increases. Conversely, odds ratios less than one indicate that the odds of working decrease as the independent variable increases.

Finally, marginal effects of the independent variables are estimated for a reference person (i.e., specific characteristics are used to calculate the change in the probability of working based on a unit change in the independent variable of interest). The simple model of marginal effects is:

{ DELTA Prob } OVER { DELTA CHI }

Two logit models have been estimated. The first model includes the variables of interest which were examined using a t-test in the previous section. The second logit estimation is a reduced model that incorporates just the variables that were statistically significant in the full model. Table 2 presents logit estimates, marginal effects, and odds ratios for the full model. Table 3 shows estimates, marginal effects, and odds ratios for the reduced model.

Table 4 illustrates the probability, based on the full model, that a "reference respondent" with set characteristics will be working. Table 5 presents relative probabilities of working for

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Table 2: Logit Estimates of the Probability of Working--Full Model

Independent Variables	Logit Coefficient	x^2 Probability	Marginal Effect*	Odds Ratio
Intercept	-0.4159	0.68	-0.101	0.660
At Risk Indicator	-1.1203	0.01	-0.231	0.326
Welfare Makes People Work Less	0.5699	0.42	0.138	1.768
Welfare Encourages Women to Have Kids	0.6803	0.11	0.165	1.974
Respondent Long-Term Recipient of AFDC	-0.8835	0.02	-0.214	0.413
Owns Car	0.4443	0.22	0.108	1.559
Educational Attainment of Respondent	-0.0243	0.87	-0.005	0.976
Job Preparation Class	-0.6997	0.04	-0.169	0.497
Improved Health Status of Child 2 (past 12 months)	-0.4939	0.14	-0.120	0.610
Improved Health Status of Child 1 (past 12 months)	-0.7374	0.04	-0.179	0.478
African American Respondent	0.3123	0.43	0.076	1.367
Respondent Never Married	0.2290	0.58	0.055	1.257

Number of Observations: 186; Pseudo R squared = .23; -2 Log Likelihood = 218 (p = .000) * The marginal effect is for the ith individual, where all response variables are set at the sample mean. Marginal effects report the change in probability of working for a unit change in the covariate.

Table 3 Logit Estimates of the Probability of Working--Reduced Model

Variable	Logit Coefficient	x^2 Probability	Marginal Effect*	Odds Ratio
Intercept	1.1967	0.00	0.292	3.309
At Risk Indicator	-1.3738	0.01	-0.141	0.253
Respondent Long-Term Recipient of AFDC	-1.0730	0.00	-0.262	0.342
Job Preparation	-0.5760	0.07	-0.142	0.562
Improved Health Status of Child 2 (past 12 months)	-0.5799	0.07	-0.172	0.560
Improved Health Status of Child 1 (past 12 months)	-0.7029	0.03	-0.336	0.495

Number of Observations: 186; Pseudo R squared = .20; -2 Log Likelihood = 235 (p = .000) * The marginal effect is for the ith individual, where all response variables are set at the sample mean. Marginal effects report the change in probability of working for a unit change in the covariate.

the reduced model. These last two tables offer estimates of how the contextual factors actually change the probability of working.

FINDINGS AND DISCUSSION

First the full model logit model is reviewed, followed by the reduced model. Then alternate probabilities of work, given various reference individuals, are examined for the full and reduced models.

As Table 2 shows, the presence of multiple well-being stressors (AT RISK) significantly reduces the probability of working. The odds of working are reduced by two thirds when respondents experience multiple threats to well-being. In addition, an individual with characteristics of the AT RISK variable is 27 percent less likely to be working than individuals without these characteristics.

Perceptions regarding welfare influence the probability of work, with respondents who report they believe welfare encourages women to have babies, and that welfare encourages recipients to work less, having increased odds of working. The odds of working are increased by three quarters and just under two times, respectively, for when respondents hold these beliefs regarding the impact of welfare. Individuals who believe welfare makes people work less are 14 percent more likely to be working, and those who believe welfare encourages child bearing are 17 percent more likely to be working than women who do not hold these beliefs.

Similar to other studies, when respondents are long-term welfare recipients, their odds of working are diminished by over half, and they are 21 percent less likely to be working than women who are not long-term welfare recipients. Similarly, for respondents who have participated in job preparation classes as a condition of receiving benefits, their odds of working are reduced by half, and they are 21 percent less likely to work than those who have not been given a job prep assignment. This finding reinforces the conclusion found in the literature that the swiftest route to employment is through a "work first" approach, rather than through training. Interestingly, for respondents who report their children's health status has improved over the past year, the odds of working are reduced between a half to a third, and their probability of working is from 12 to 18 percent lower than individuals who do not report improved health status for their children.

Table 3 presents estimates of the probability of working using those factors from the full model that were statistically significant. The direction of the influence of the factors is consistent with the full model, although the impact of several variables increases somewhat. The odds of working are reduced by three quarters in cases where respondents suffer multiple threats to well-being, and the probability of work for these AT RISK individuals is 14 percent lower than women who do not report multiple threats to well-being. The odds of long term respondents working are two thirds lower than respondents who have not received welfare continuously since they first came on the rolls; these women's probability of working is 26 percent lower than non-long term recipients. The odds of working are reduced by about a half for respondents who attended job preparation classes, and the probability of working for these women is 14 percent lower than women who did not participate. The impact of improved health status of respondents' children is substantially greater than in the full model.

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Table 4: Alternative Probabilities of Working As a Function of Reference Individual Characteristics--Full Logit Model

Variables	Reference Individuals					
	Logit Estimate	A	B	C	D	E
		value	value	value	value	value
Intercept	0.4159					
At Risk Indicator	-1.1203	0	0	1	1	1
Welfare Makes People Work Less	0.5699	1	1	1	1	1
Welfare Encourages Women to Have Kids	0.6803	1	1	1	1	1
Respondent Long-Term Recipient of AFDC	-0.8835	0	0	0	1	1
Owns Car	0.4443	0	0	0	0	0
Educational Attainment of Respondent	-0.0243	2.84	2.84	2.84	2.84	2.84
Job Preparation Class	0.6997	1	0	0	0	1
Improved Health Status - Child 2 (past 12 months)	0.4939	1	1	1	1	0
Improved Health Status - Child 1 (past 12 months)	-0.7374	1	1	1	1	0
Race	0.3123	1	1	1	1	1
Never Married	0.2290	1	1	1	1	1
Probability of Employment	.105	.359	.529	.269	.132	.206

Table 5: Alternative Probabilities of Working As a Function of Reference Individual Characteristics--Reduced Logit Model

Variables	Reference Individuals					
	Logit Estimate	A	B	C	D	E
		value	value	value	value	value
Intercept	1.1967					
At Risk Indicator	1.3738	0	0	1	1	1
Respondent Long-Term Recipient of AFDC	1.0730	0	0	0	1	1
Job Preparation	0.5760	1	0	0	0	1
Improved Health Status: Child 2 (past 12 months)	0.5799	1	1	1	1	0
Improved Health Status: Child 1 (past 12 months)	0.7029	1	1	1	1	0
Changes in Probability of Employment	.043	.188	.293	.189	.074	.262

lowering the probability of work by 17 to 36 percent.

Tables 4 and 5 should be read as follows. Columns labeled A through E describe different reference individuals whose values on the variables of interest are shown. These values have been varied to illustrate the impact of changes in resources, human capital characteristics and well-being indicators on the probability that a respondent will work. Since most of the factors included in the models reduce the odds of working, almost all the relative probabilities predict that the individual will not work. Of most interest in these two tables, however, is the magnitude of the differences in the changes in the probability of working as the characteristics of the reference individual change.

It is important to note that the probability of employment in the "Logit Estimate" column of both Tables 4 and 5 is the probability given the influence of all the variables in the model. The entries in the cells to the right of this cell illustrate the changes in the probability of working for the given reference individual. For the full model, the probability of working given all characteristics of the model is a very low .11. For the reduced model, the probability of work is just .04. As the tables illustrate, the probability of working increases substantially as some of the characteristics are removed.

Turning first to Table 4, individuals A and B are quite similar, except that A has attended job preparation and B has not. Both individuals do not suffer from multiple stressors to well-being. These slight differences result in a 36

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probability of individual A working, compared to a .53 probability that individual B is working (any probability over .5 predicts the individual is working, probabilities under .5 predict the individual is not working).

When the reference individual has multiple threats to well-being, the probability of working is greatly reduced. Individual C has a value of one on the AT RISK variable, but in all other respects is like individual B. However, C's probability of working is just .27.

Individual D and E are long term benefit recipients, and both have multiple threats to well-being. The difference is individual D has reported improved health status of her children, and E has attended a job preparation class. This results in the probability of .21 that individual E is working, compared to a .13 probability that individual D is working.

Table 5 reports the changes in the probability of work for the reduced model. In this case, none of the probabilities reach .5, which is not surprising because each of the variables in the model reduces the probability of work. Individual B, who has reported improved health status for her children but is not at risk for multiple threats to well-being, is not a long term recipient, and has not attended a job preparation class, has the highest probability of work at .30. Individual E, with characteristics the opposite of individual A, has a similar probability of working of .26.

CONCLUSIONS AND POLICY IMPLICATIONS

This study asked two questions. It would be useful to review them here. First, we asked how material and monetary resources, human capital characteristics, and well-being vary for low-income women — those who are employed, regardless of whether they also receive welfare, and those who are not working and receive welfare. Second, using these variations in material resources, human capital characteristics and well-being perceptions, we asked which factors predict the probability of work for these women.

Individuals who are at risk because of multiple threats to well-being are much less likely to be working than those who are not at risk. This is important because these risk factors — which include treatment for mental and emotional problems, heightened stress because of concerns over family, children, employment, and finances — are not the barriers to employment that have been addressed by recent welfare reform legislation. These are, however, the types of problems that lead welfare recipients to break the rules of the program by not showing up for work or job activities.

Interestingly, it is those women who are not working who report the greatest improvement in their children's health over the past year. As more welfare recipients move into work, the implications of this may grow. Poor women, whether they are working or not, lack the networking and fall-back assistance to stay on the job when their children are sick.

ENDNOTES

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3 Mary Secret, Assistant Professor, College of Social Work.

The Stage One Baseline Data Project received funding from several university and community sources. From the University of Kentucky: Vice President for Research and Graduate Studies, College of Human Environmental Sciences, and College of Social Work. From the community: Lexington-Fayette Urban County Government and the Community Action Council.

1 In a binary logit regression, marginal effects give the change in probability of working per unit change in the covariates of interest.

2 The Personal Responsibility and Work Opportunity Reconciliation Act of 1966 (PRWORA) abolishes AFDC and replaces it with Temporary Assistance for Needy Families (TANF). However, most of the literature reviewed here refers to AFDC. In addition, the data for this study was gathered prior to the implementation of PRWORA. Thus, welfare and AFDC are used interchangeably throughout this paper.

3 There are analysts who dispute this, and find that welfare receipt has a large impact on the labor force attachment of the poor, as well as on the incentive to have children out of wedlock. See, for example, Murray, 1994; Schiller, 1994; Mead, 1989, 1992.

4 Probit estimates for the models in this section were calculated and produced similar results.

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BARRIERS IN THE TRANSITION FROM WELFARE TO PAID WORK: THE INTERSECTION OF GENDER AND RACE

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Feminist scholars challenge current studies of labor markets for failing to consider how race, gender, and class combine to create disadvantage (King 1989). African American women are thought to experience "multiple jeopardy" in the workplace, confronting conditions of inequality that are unique to the specific interplay of their statuses as "Black" and "female" with their social class position, in which they are disproportionately represented among the poor (King 1989). From the multiple jeopardy perspective, African American women who are attempting to leave welfare should encounter the most formidable barriers to finding permanent employment. They are often the sole support of their families, and possess relatively little schooling and few marketable skills (Burtless 1995, 1997).

With the recent reforms in the federal welfare program, particularly the income caps and lifetime term limits, many poor African American women will be eliminated from the rolls and be forced to seek enduring full-time employment to support their families (Bane and Ellwood 1994). What are the labor market opportunities for low skill Black women? The literature provides few answers to this question; most of the research on opportunities for low skill African Americans focuses on men, while studies of women's employment prospects neglect the dynamics of race (Browne forthcoming).

The current paper investigates whether Black women are uniquely disadvantaged in the labor market through the distinctive mix of their statuses as "female," "African American," and "welfare recipient." We look at the demand side of the labor market to assess the types of employment opportunities and barriers facing low skill African American women, and address two specific questions: 1) What are the skills that employers are seeking in jobs predominated by women? 2) What are the employer perceptions of women in the labor force that might be encountered by low skill when Black women who were formerly on welfare? In exploring these questions, we argue that both the "objective" job barriers related to skills as well as the "subjective" barriers related to employer perceptions and stereotypes must be considered in developing policies to facilitate the successful transition from welfare to permanent paid employment for Black women.[1]

We use data from a city with a particularly large Black population and a relatively tight labor market – Atlanta – and offer a primarily descriptive account of labor market opportunities for low skill Black women. Through analyses of telephone surveys of 635 employers in Atlanta conducted in 1993, we extend the work of Harry Holzer (1996) and estimate the demand for low skill female labor by differentiating between female-dominated, male-dominated, and mixed-sex occupations. Extending our investigation beyond Holzer's telephone survey and the question of skills, we look at in-depth face-to-face interviews with employers to examine employer views of African American workers that can underlie discriminatory practices. Below, we describe the literature that frames the analyses and we report the results.

THE CURRENT STATUS OF LOW SKILL AFRICAN AMERICAN WOMEN IN THE LABOR MARKET

Black women earn lower wages than White women, White men, and Black men (Browne forthcoming). Black women are also over-represented among those whose labor market position is most precarious — women receiving federal welfare assistance (U.S. Census Bureau). Until 1996, the main federal welfare program was Aid to Families with Dependent Children (AFDC). Research shows that AFDC recipients typically cycle between welfare reliance and paid work (Hershey and Pavetti 1997; Spalter-Roth et al 1994). Many of the women receiving federal assistance such as AFDC have little educational and skill preparation for the labor market, and they often lack recent work experience (Bane and Ellwood 1994). There are Black-White gaps in education and skills among AFDC recipients, so that poor African American women are the least prepared for the labor market (Bane and Ellwood 1994; Harris 1993).

EXPLANATIONS FOR BLACK-WHITE INEQUALITY IN THE LABOR MARKET

Theories of demand-side processes that could produce continued Black-White labor market inequality have largely focused on men's position in the labor market. Many social scientists attribute the growing racial disparities in wages and employment among men to the changes in the industrial structure of the economy that occurred in the 1970s and 1980s (Kasarda 1992; Wilson 1987). In general, the economy shifted from manufacturing towards services, and the demand for more educated workers increased (Holzer and Vroman 1992). Two predominant explanations for the impact of industrial restructuring on Black-White labor market inequality are the "skills mismatch" hypothesis and "spatial mismatch" hypothesis. In this paper, we focus on the skills mismatch thesis.

Skills mismatch.

According to the "skills mismatch" thesis, the restructuring of the U.S. economy has reduced the number of jobs available to individuals who possess few skills (Holzer and Vroman 1992). The reasons for a growing skill mismatch continue to be debated, but there is evidence that changes in technology, the organization of the workplace, and product markets have pushed employers to seek more highly skilled workers for even the most "menial" jobs (Holzer and Vroman 1992). A high school diploma alone is no longer sufficient to qualify for most jobs, and young African Americans with few years of schooling and minimal skills have been increasingly edged out of jobs by more highly skilled Whites. African Americans who herald from poor neighborhoods, particularly in the inner city, earn diplomas from schools that provide inadequate preparation for the labor market, and therefore are most severely lacking in the skills that employers now desire (Orfield 1992).

To investigate the types of skills that employers currently seek in jobs requiring no more than a high school education, Holzer (1996) conducted a telephone survey of employers in Atlanta, Boston, Detroit, and Los Angeles. He asked a series of questions about jobs requiring a high school degree or less, focusing on the most recent "non-college" job in which someone was hired. Holzer found that about 90% of the non-college jobs available involved cognitive and/or social skills, represented by the daily performance of at least one of the following tasks: using arithmetic, using computers, dealing with customers, and reading or writing paragraphs. Among the non-college jobs, about 65% required doing arithmetic on a daily basis, 58% involved interacting with customers daily, and 51% required the use of computers each day (Holzer 1996, Table 3.1).[2]

Occupational Segregation by Gender and Race

In his study, Holzer (1996) grouped occupations into broad 1-digit census categories, including "clerical," "professional/managerial," "laborer," and "sales." He found that in the central city, 71% clerical workers were required to read or write paragraphs daily, compared to 40% of laborers. In the suburbs, reading or writing paragraphs daily was required of 66% of clerical workers and 28% of laborers. These contrasts indicate potential differences in the types of skills required of men and women in non-college jobs. In the labor force, 70% of clerical workers are female, and 13% of laborers are male.

Holzer's data provide a rough estimate of the skills that employers seek in the jobs into which Black women are hired; feminist scholarship suggests that a more accurate appraisal should take into account occupational segregation by gender (Reskin 1993). Within the major occupational categories lie detailed occupations that vary widely in their gender composition. For instance, included within the "sales" category is the occupation "motor vehicle and commodity sales," which is 11% female, and "garment and apparel sales," which is 81% female.

The gender segregation of occupations remains pervasive across race and geographic areas, although it has been declining over the past two decades (Jacobs 1989; Reskin and Cassirer 1996). The extent of gender segregation of occupations is virtually the same for Blacks and Whites (Reskin and Cassirer 1996); overall, the index of segregation is about .53, indicating that about 53% of men or women would have to change jobs to achieve complete occupational integration (Reskin and Padavic 1993). Gender segregation is even higher at the job level (Bielby and Baron 1986; Tomaskovic-Devey 1994). Within gender-segregated occupational niches, Black women are often concentrated into an even smaller number of low-paying jobs (King 1997).

It is possible that the sex segregation of occupations has actually buffered low skill women against the deleterious consequences of industrial restructuring. The shift from manufacturing to services actually created more jobs for women while reducing the number of positions for low skill men (Tienda et al 1987). White women saw the greatest gains from expanding opportunities (Browne forthcoming).

Thus, the consideration of the gender segregation of occupations could reveal that Black women who are attempting to permanently leave welfare for paid work are actually better-off than Holzer (1996) suggests – if indeed low skill jobs are expanding in the labor market niches that women occupy. An alternative scenario is that opportunities for low skill Black women are even more constricted than originally supposed, and Holzer's analyses overestimate the range of labor market positions that low skill Black women could fill.

Employer Perceptions and Discrimination

Even if they possess the relevant "objective" skills, current or former welfare recipients may still carry a stigma that would prevent employers from placing them in a well-paying job – or in any job. The voluminous research on racial stereotyping suggests that there may be dimensions to employer views on welfare recipients not captured by the telephone survey question, and that Black women may encounter added difficulties in the labor market through negative employer perceptions of "low skill Black women" and "former welfare recipients."

In contrast to the loss of accessible low skill jobs through "impersonal" market mechanisms, some scholars locate persistent labor market inequality in employer discrimination against African Americans (Feagin and Sikes 1994; Fix and Struyk 1993; Kirschenman and Neckerman 1992). Employer perceptions are often based on conceptions of "average group differences" or common cultural stereotypes, producing an unfavorable portrayal of young unskilled African Americans (Kirschenman and Neckerman 1992; Moss and Tilly 1995).

There is mounting evidence that employers hold negative and stereotypic images of African American men. A study of employers in Chicago by Kirschenman and Neckerman (1992) reveals that employers perceive young Black men who reside in the "inner city" as "unstable, uncooperative, dishonest, and uneducated" (1992:204). The researchers argue that race is the most salient category in employer perceptions, and shape their characterizations of other worker attributes, including residence and skill level. Moss and Tilly's (1995) in-depth interviews with employers also include descriptions of potential Black male employees with terms such as "lazy," "uneducated," "irresponsible," and "scary."

Cultural stereotypes of Black women tend to be negative as well, with deep historical roots (Collins 1990). Two prominent stereotypes of Black women are the "matriarch" and the "welfare queen." The Black matriarch, according to Collins, is a single Black working woman with children (1990:72). The image of the matriarch also implies an "overly aggressive, unfeminine" woman who spends "too much time away from home" working (1990:74).

Alongside the "matriarch," the "welfare queen" is another pejorative stereotype associated with Black women (Collins 1990). Franklin (1997:196-198) documents the rise of the image of the "Black welfare queen" in the popular press in the 1970s and 1980s. Newspapers and magazines published articles on the "urban underclass" that often focused on poor black women who were steeped in poverty, who bore children out of wedlock, and, who, without a speck of compunction, collected their welfare checks. In her review, Franklin (1997) emphasizes that the term "welfare queen" is a "racialized" depiction associated specifically with poor Black women. Her claims are buttressed by survey evidence that many Whites believe African Americans prefer welfare dependence to paid work (Franklin 1997; Bobo and Suh forthcoming). Further, the views of employers and managers are similar to those of the general population (Bobo and Suh forthcoming).

Theories of statistical discrimination argue that in low skill jobs, employers may indeed use "average attributes" or stereotypes of workers as proxies for individual productivity (Aigner and Cain 1977). Scholars have focused on the liabilities of being "female" and/or "Black" within the context of statistical discrimination; few have also considered the combination of these with the status of "welfare recipient."

SUMMARY OF THE LITERATURE

The literature points to at least two arenas in which Black women who are current or former welfare recipients will be potentially disadvantaged in the labor market:

- Through the skills and credentials that employers seek: skills in female-dominated and mixed-sex occupations.
- Through the perceptions that employers hold about Black women, particularly Black women who are current or former welfare recipients.

In analyses of two types of employer data from Atlanta firms, we seek to describe the credentials and skills that employers seek within the jobs for which Black women transitioning from welfare to work will be applying, and we attempt to gain insight into the employer perceptions of those applicants.

DATA AND METHODS: THE TELEPHONE SURVEY

The data on Atlanta employer needs and perceptions were collected as part of the Multi-City Study of Urban Inequality (MCSUI), a collaborative research project supported by the Ford Foundation and the Russell Sage Foundation. The MCSUI involved collecting information from households and employers in Atlanta, Boston, Detroit, and Los Angeles (a complete description of the MCSUI is provided in Johnson et al 1994). In the current analyses, we use data from the telephone surveys and face-to-face interviews of Atlanta employers.

The telephone survey uses a probability sample of employers in the Atlanta SMSA who had recently hired someone into a job that did not require a college graduate. The reader is referred to Holzer's (1996) book for a complete description of the sample design for the employer telephone survey.

The employer telephone surveys were used to investigate the skills that employers are seeking in non-college jobs and the location of those jobs. During the course of the interview, employers were asked a series of questions about "the last employee that was hired into a position that did not require a college degree."

Occupational Gender Composition

The question: "what is the job you hired [the new employee] for?" was coded into 4-digit occupational categories, following the 1980 SOC from the Bureau of Labor Statistics. For the current study, the 1980 occupational codes were converted to 1990 census codes. A variable indicating whether the occupation was female-dominated (more than 70% female), mixed-sex (30%-70% female) or male-dominated (under 30% female) was calculated from the 1990 decennial census Public Use Microsample (PUMS) files and merged onto the employer record using the 1990 occupational code. The cut-off points were based on the study of occupational segregation by Tomaskovic-Devey (1993).

Variables indicating the race, gender, education level of the new employee, as well as the skill and educational requirements of the "sample job" were constructed from follow-up questions regarding "the last position that did not require a college degree into which an employee was hired."

Employee characteristics

Race/ethnicity: "What is the racial or ethnic background of the new employee?"

Gender: "Is this newest employee male or female?"

Age: "What is the age of this new employee?"

Education: "What is the highest level of education this new employee has completed?" Educational background was measured by 12 categories representing credentialing, from "eighth grade or less" to "doctoral degree."

Job Characteristics

Experience and credentials required: Employers were asked a series of questions regarding the educational and experience requirements of the most recently filled non-college position, with possible answers falling along a four-point scale from "absolutely necessary" to "doesn't matter." We collapsed these into two categories: "absolutely necessary or strongly preferred" were coded as "yes" and "mildly preferred and doesn't matter" were coded as "no" for the following questions:

High school degree: "How necessary is a high school diploma for this position?"

Recent experience: "How necessary is some recent work experience, even if unrelated to this job?"

References: "How necessary are references?"

Skill requirements: Employers were also asked about how often particular tasks are performed in the most recently filled non-college positions. The possible responses were: "daily, weekly, monthly, or almost never" for each of the tasks. We combined the responses into two categories: "daily or weekly" and "monthly or almost never" for the following tasks:

- talk face-to-face with customers or clients
- talk on the phone with customers or clients
- read instructions at least one paragraph long
- write paragraphs or memos
- perform arithmetic or other computations
- work with a computer.

Applicant pool: The percent of applicants that were Black was measured by combining the employer's response to the questions: "What percent of applicants were Black men? What percent of applicants were Black women?" (Responses that summed to greater than 100% were re-coded as 100%.)

Methods

The primary aim of the paper is to give a descriptive account of opportunities for African American women. Therefore, the analyses of skill requirements involve crosstabulation tables and chi-square statistics. Data for the bivariate analyses are weighted to control for probability of selection into the sample. (See Holzer 1996 for a description of how the weights were constructed).

RESULTS: THE EMPLOYER TELEPHONE SURVEY

We first assess whether dividing occupational categories in terms of occupational sex segregation provides empirical leverage on the labor market positions that Black women are most likely to attain. Table 1 reports the distribution of most recent hires into non-college jobs by the gender composition of the occupation into which the job falls. Despite some claims that industrial restructuring has opened new opportunities for women while eliminating opportunities for men, the data from Atlanta presented in Table 1 reveal only a slightly higher percent of new hires in female-dominated occupations (36.2%) compared with occupations that are male-dominated (31.0%) or mixed-sex (32.8%).

Table 1 also shows that the occupational divisions by gender composition corresponds to the distribution of Black women's hires. Over 57% of African American women hired into non-college jobs acquired positions in female-dominated occupations, and another 31% of the recently-hired Black women found jobs in mixed-sex occupations. White women were slightly more likely than Black women to be hired into male-dominated occupations. In contrast, about 57% of Black men recently hired into non-college jobs obtained positions in male-dominated occupations, compared to 50% of White men. Clearly, the skill requirements in female-dominated and mixed-sex occupations are most highly relevant to the labor market chances of Black women.

Skill and credential requirements. The skill and credential requirements for recently-filled non-college jobs differ according to the sex composition of the occupation. Table 2 is constructed to present the proportion of jobs that low skill Black women could possibly fill, that is, the proportion of jobs that do *not* require particular credentials, experience, or skill. As Table 2 illustrates, the jobs that Black women are most likely to be hired into – female-dominated occupations – are precisely those positions that have the fewest opportunities for women without a high school diploma and references. Less than 18% of non-college jobs in female-dominated occupations do not require a high school diploma and about 19% do not require references. In contrast, about 35% of jobs in male-dominated occupations do not re-

Table 1
Distribution of Recent Hires into Non-college Jobs
by Whether the Job was in an Occupation that
is Female Dominated, Male-dominated, or Mixed-Sex
by Gender and Race of Employee

	Female-dominated	Mixed-sex	Male-dominated	N	Chi-square, d.f.
Total	36.2%	32.8%	31.0%	635	181.85 ** 10
Women					
Black	57.3%	31.1%	11.7%	103	
White	56.1%	29.8%	14.0%	228	
"Other"	60.0%	35.0%	5.0%	20	
Men					
Black	14.1%	29.3%	56.6%	99	
White	10.4%	39.6%	50.0%	164	
"Other"	—	33.3%	66.7%	21	

* $p < .05$
** $p < .01$

quire a high school diploma and 29% do not require references (Table 2).

These conditions create an especially severe disadvantage for many Black women who must attempt to permanently exit welfare for paid employment following the end of lifetime term limits. With lower rates of high school graduation and longer spells of non-employment than White women, Black women receiving welfare will be less prepared to qualify for "low skill" jobs in female-dominated and mixed-sex occupations. Table 2 also suggests that Black women will encounter fewer positions requiring no high school diploma and no references than will Black men. About a third of the recently-filled non-college jobs do not require recent experience, with no significant difference across the three types of occupations (female-dominated, male-dominated, and mixed-sex).

The types of "cognitive" skills required for non-college jobs also diverge according to the overall gender composition of the occupation. The results in Table 3 show that female-dominated jobs are most likely to require that employees interact with customers, read or write paragraphs, and/or use computers. For instance, only 13% of non-college jobs in female-dominated occupations do not necessitate reading at least a paragraph of instructions, compared to over 24% in mixed-sex and male-dominated occupations. Only one cognitive skill – performing arithmetic calculations – is required equally across occupational categories. Because African American women are concentrated into female-dominated positions, they will have fewer opportunities for jobs that require minimal skills compared to African American men (assuming equal numbers of applications). Because African American women tend to possess lower skills on average than White women (England et al forthcoming), African American women will be disadvantaged in the competition for most female-dominated positions.

Table 2
Educational Credentials, Experience, and Reference
Requirements for Non-College Jobs,
by Sex Composition of Occupation and
Gender and Race of Employee

	Female-dominated	Mixed Sex	Male-dominated	Total	Chi square; d.f.
Did NOT require:					
High school diploma	17.6%	27.1%	35.4%	26.3%	18.41**, 2
Recent experience	30.3%	30.7%	33.5%	31.4%	.61, 2
References	19.2%	21.1%	29.0%	22.5%	7.25*, 2

* p < .05
** p < .01

Table 3
Cognitive Skill Requirements for Non-College Jobs,
by Sex Composition of Occupation and
Gender and Race of Employee

	Female-dominated	Mixed Sex	Male-dominated	Total	Chi square; d.f.
Did NOT Require:					
Talking on phone	24.2%	36.5%	53.1%	37.3%	40.104** 2
Face-to-face interaction	28.8%	30.6%	41.0%	33.1%	8.803* 2
Reading paragraphs	12.6%	24.3%	24.4%	20.2%	13.116** 2
Writing paragraphs	42.1%	52.1%	61.9%	51.6%	17.649** 2
Arithmetic computations	18.0%	17.8%	19.1%	18.3%	.149 2
Using computers	20.7%	43.1%	56.7%	39.3%	62.652** 2
Any of the above	2.8%	6.0%	5.7%	4.9%	5.064 2

* p < .05
** p < .01

Race, Gender, and the Determinants of Hiring: Applicant pools

The results in Tables 1 through 3 illustrate that among non-college jobs that have been recently filled, skill and credential requirements are most frequently found in female-dominated occupations – precisely the positions most likely to be filled by Black women who are current or former welfare recipients. The extent to which these *potential* barriers translate into actual disadvantage depends upon the joint [illegible]ment of labor supply with these demand factors.

Table 4 gives the distribution by employee race and gender for the total new hires in non-college jobs in the Atlanta sample. The greatest percent (35%) of new hires went to White women, and Black women and Black men were hired at approximately equal rates (16%). To obtain a rough gauge of hiring rates relative to supply of Black women compared to other groups, the race and gender distribution of individuals seeking work and the total labor force are presented in Table 4.[3]

Black women represented about 25% of the individuals with no more than a college degree who were searching for work in 1990, yet they were only 16% of the new hires in non-college jobs in the employer study (Table 4). In sharp contrast, White women were represented among new hires at a level that exceeded their proportion among the unemployed. Table 4 provides another indication that White women may be sustaining advantages in hiring that are not enjoyed by Black women or Black men. The average number of applicants for the jobs into which White women are hired is much lower compared to the pool of applicants for jobs into which Black women or Black men are hired.

Overall, the data from the employer tele-

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Table 4
Distribution of Recent Hires into Non-college Jobs
and Pool of Available Labor
by Race and Gender of Employee[1]

	% of hires into non-college jobs	mean # of applicants for position	% of Total Atlanta Unemployed with 12 years schooling or less
Women			
Black	16.2%	49	26.2%
White/"other"	39.0%	23	23.6%
Men			
Black	15.6%	92	25.3%
White/"other"	29.1%	62	25.0%
	100%		100%
N	635	635	2354

Source: % of hires and number of applicants calculated from the Atlanta employer survey. Distribution of unemployed is calculated from the 1990 PUMS A file, Atlanta SMSA.

phone survey suggest that White women in particular are enjoying advantages that Black women do not reap. One explanation for the seemingly lower chances of employment for Black women compared to Whites in Atlanta is skills – White women likely possess more of the skills that employers seek in female-dominated positions. However, an additional barrier for Black women might arise from employer perceptions: employers may also hold more favorable impressions of White male and female workers and thus practice some degree of labor market discrimination.

DATA AND METHODS: EMPLOYER PERCEPTIONS

To understand how employers view Atlanta's workforce, a subsample of firms were selected from the employer telephone survey, and employers were interviewed face-to-face. Three individuals within each firm were targeted for interviews: the CEO or president, a human resources representative, and the direct supervisor of the job as named by the respondent in the household survey. Two interviewers, a White woman and a White man, conducted a total of 97 employer interviews between July 1994 and March 1995 by. (See Moss and Tilly 1995 for a detailed description of the methodology used for the in-depth employer interviews.)

A total of 97 employer interviews were conducted in the 45 firms. In the current study, we only focus on the perceptions of the 74 White employers in the sample, as the literature suggests that race-based stereotyping varies with the race/ethnicity of the perceiver (Bobo and Suh forthcoming), and there were an insufficient number of cases to compare across subgroups of employers.

In responding to questions about skill-related issues, certain themes emerged from the data that revealed broad attitudes that employers held towards welfare and single parent families. These attitudes were most commonly expressed in response to the following questions:

- What skills and qualities do you look for in a worker for [sample job]?
- What are the main problems you face with your workforce, thinking specifically about [sample job]?
- We've talked to quite a few other managers who say there are significant differences between Black and white workers, and I'm wondering what you think. Have you seen these differences? (Probe: We do know from other research that Blacks and other minorities are doing badly in the labor market. Why do you think that is?) Do you see any differences between men and women? City and suburban workers?

The analyses of the employer interviews for the current study are an extension of analyses conducted to address the question: "How do White employers perceive Black women in the workforce?" The coding strategies we used to analyze the employer responses are detailed in Browne and Kennelly (forthcoming) and Kennelly (forthcoming). Our analyses build upon these two papers; the results reported are meant to document the existence of the "welfare queen" stereotype among employers, with an emphasis on its racial component.

RESULTS: EMPLOYER PERCEPTIONS

When asked about Black workers in the face-to-face interviews, employers often made either direct or indirect references to "welfare dependence." These references were embedded within discussions of the prevalence of single parent homes among Black families, and the problems that mother-only households produced among both Black men and Black women. As reported in Browne and Kennelly (forthcoming) and Kennelly (1998), Black women as "single mothers" was a common stereotype among employers. Additional analyses of the interviews revealed that the single mother stereotype was often linked to allusions to welfare. That is, the "welfare queen" stereotype emerged within the images that employers evoked in their depictions of low skill *Black* workers specifically.

For instance, one employer, when asked if he has any ideas why Blacks are not doing well in the labor market, replied:

> *Certainly I do. It's because of the willingness of our society to pay people not to work. It's real simple. If you pay people to work, they'll work. If you pay people not to work, they won't work. If you pay people to have children, you're going to get children. If you penalize them if they have [illegible] children then there will be no children and then there will be fewer people on welfare.*

Another employer offered this perception of AFDC recipients when asked to discuss why some Black workers were not faring well in the labor market:

> *I think that, um, off the record, that our welfare system promotes a single family, a single parent family. I think, I think that's wrong.*

Some employers did not refer to welfare directly, but talked about Black single parent families and a "lack of work ethic." This assumption that Black single parents do not want to work is at the heart of the "welfare queen" stereotype (Franklin 1997).

> *The people that I want, it would be hard to get those people to come downtown. And when we get into the inner city, in my opinion, work values change because you're talking about people that are primarily raised in a single family. Very poor environment, don't have a role model that shows them that work is good, that you should do your very best and a good job no matter where it is or who it's for.*

These quotes are representative of comments among a majority of White employers; all together, 54 percent of White employers in the Atlanta face-to-face interviews noted that

African Americans grow up in homes where there is no emphasis placed on education, there is a large reliance on welfare, there are no role models, such as fathers who work, and there are no mothers around to care for their children. The views that White employers expressed in relation to Black women, welfare, and a poor work ethic are also consistent with the evidence from social surveys (Bobo and Suh forthcoming).

It is important to note that employers were not asked any questions that referred to family structure or work effort directly. In addition, employer allusions to problems of "single motherhood," a "lack of work effort," and "welfare reliance" not only often arose together, but these images were almost exclusively stated in specific references to African American workers. That is, employers rarely depicted low skill White women as "single mothers," or linked single parent families and welfare in the same way they did for African American women in the inner city.

From the interviews, it appears that employers focus on characteristics or behavior that correspond to the familiar stereotype of the "Black welfare mother" (Collins 1990; Franklin 1997). Black women who are long-term welfare recipients may therefore face difficulties in the labor market, as they fit into an employer stereotype that uniquely blends together gender, race, and class. The frequent references to "single mother families" and "welfare" by employers who are asked about the persistent Black-White inequality in the labor market should spur researchers to investigate employer perceptions that could potentially lead to discrimination in the workplace. Even if employers do harbor stereotypic images of "Black welfare mothers," we must also address the question of how these images correspond to discriminatory practices in hiring or placement.

DISCUSSION

The results from the employer data suggest that a consideration of the intersection of race, class and gender casts a brighter light on the labor market processes most likely to affect low skill Black women. When the gender segregation of occupations is taken into account, the labor market prospects for many African American women who are attempting to leave welfare for permanent employment are even worse than Holzer's (1996) already bleak estimates. For instance, the proportion of non-college jobs in Atlanta that do not require a high school degree is about 26.3% overall, but is only 17.6% in female-dominated occupations. With particularly low rates of high school graduation and low cognitive skills, Black women on welfare will be disadvantaged in the labor market compared to White women and White men. When Black women do acquire jobs, their concentration in female-dominated occupations will pay them lower wages than the wages earned by Black men with similar qualifications (England 1992; England et al forthcoming).

It is also possible that even if they are able to attain more schooling and develop better skills, African American women could be stymied in their efforts to leave welfare to work when they confront negative employer perceptions. Employers are apt to depict Black workers as individuals who grow up in single-parent families with a poor work ethic and an easy willingness to live on welfare. These stereotypes are consistent with popular cultural images of Black women as "matriarch" and "welfare queen." If employers believe that former welfare recipients are applying for jobs because welfare reform have forced many off of the rolls, Black women who are attempting to leave welfare for paid work may trigger the "welfare queen" stereotype among employers and therefore be evaluated harshly. Indeed, it is possible that negative stereotypes of Black welfare mothers will induce employers to invest little in the training of these women even when they are hired, thus perpetuating the Black-White skills gap.

Identifying the multiple avenues through which gender, race, and class intersect to create unique conditions of disadvantage for Black women should aid in the development of effective social policy. For instance, these data suggest that in addition to improving the educational credentials and skills of welfare recipients, policies could also aim at eliminating the inequities associated with the gender segregation of occupations, either through opening male-dominated jobs to women, or through raising wages in female-dominated positions (see England 1992 for a discussion of comparable worth policies). Yet, policies related to skill improvements and access to male-dominated jobs may not go far enough for African American women if racial discrimination is still active in determining employment and wages. Policies designed to combat discrimination in the workplace must continue to be implemented and vigorously enforced.

ENDNOTES

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[1] We use the term "objective" here to differentiate skill and credential requirements that can be measured with relatively "objective" criteria from employer perceptions, which cannot.

[2] In his employer study, Holzer (1996) also found that skill requirements in non-college jobs varied across geographic space as well as among occupations. The spatial mismatch thesis will not be tested in the current paper.

[3] Percentages on occupational composition are calculated by author using the 1990 PUMS data file provided by Paula England.

[4] Paula England provided the occupational data from the 1990 census.

[5] The actual "supply" of available labor for non-college jobs can also include individuals with college degrees, depending on the availability of employment in jobs requiring a college degree (Holzer and Danziger forthcoming).

[6] My sample size is smaller than Holzer's, as I omitted jobs for which college degrees were either "required" or "strongly preferred."

[7] Chi-square is calculated for entire table.

[8] Numbers sum to 100% horizontally.

[9]

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GETTING JOBS, KEEPING JOBS, AND EARNING A LIVING WAGE: CAN WELFARE REFORM WORK?

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ABSTRACT

Most discussions of welfare and work have typically focused on how demographic characteristics, schooling, training, and work experience limit welfare mothers' employment and wages, but have largely ignored factors such as inappropriate workplace behaviors, expectations of discrimination and harassment, depression, alcoholism, or domestic violence, all of which may affect welfare mothers and make employment difficult. We review the prevalence of these individual-level barriers and argue that they, in combination with an economy which does not pay low-skill workers well, are likely to impede employment and self-sufficiency for a large proportion of welfare mothers. At the end of the review, we summarize the current state of knowledge about barriers to the employment of welfare recipients and suggest several ways in which welfare-to-work programs might address these barriers.

INTRODUCTION

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 ended the federal guarantee of cash assistance and replaced the Aid to Families with Dependent Children Program (AFDC) with the Temporary Assistance for Needy Families Program (TANF). This act gives states a block grant of fixed size, places a five-year lifetime limit on the receipt of welfare benefits and requires most welfare mothers to go to work no later than two years after entering the program. From the perspective of this legislation, the policy will "succeed" if the new programs are efficient in moving recipients from welfare to work and if welfare mothers can keep the jobs they get. Notably, success is not defined as whether women can eventually earn enough to support their families.

Most discussions of welfare and work have typically focused on how demographic characteristics, schooling, training, and work experience limit welfare mothers' employment and wages, but have largely ignored factors such as inappropriate workplace behaviors, expectations of discrimination and harassment, depression, alcoholism, or domestic violence, all of which may affect welfare mothers and make employment difficult. We expect that these factors are especially important in the current economy, which provides few good jobs for low-wage workers (Blank, 1996; Wilson, 1996). In this paper we argue that these individual-level barriers, in combination with an economy which does not pay low-skill workers well, are likely to impede employment and self-sufficiency for a large proportion of welfare mothers. Unless welfare-to-work programs address these factors, welfare recipients will remain mired in poverty.

Designing programs to move women from welfare to work and help them become economically self-sufficient requires an understanding of the factors that prevent recipients from working steadily and from earning a living wage. In this paper, we review seven sets of studies that bear on this issue: 1) studies of transitions from welfare-to-work based on national longitudinal surveys; 2) employer surveys; 3) evaluation studies of work and training programs for welfare recipients; 4) employer interviews and surveys of workplace discrimination; 5) studies of the prevalence of mental health problems and substance dependence among welfare recipients; 6) studies of the prevalence of physical health problems and domestic violence among welfare recipients; and 7) studies of wage growth among welfare recipients. Based on this review we identify and describe nine sets of potential barriers to employment: low schooling, little work experience, lack of the job skills and credentials employers value, lack of "work readiness", worries about employer discrimination, mental health problems, alcohol and drug dependence, physical health problems and family stresses, and experiences of domestic violence. We note that this is an important, but not exhaustive, list of potential barriers to work and self-sufficiency. We choose to focus on these particular barriers because they have been underresearched relative to other barriers such as inadequate child care, transportation, and medical care (Olson & Pavetti, 1996). Throughout this review, we discuss how these barriers might affect women's success in making the transition from welfare to work and self-sufficiency. At the end of the review, we summarize the current state of knowledge about barriers to the employment of welfare recipients and suggest several ways in which welfare-to-work programs might address these barriers.

REVIEW OF THE LITERATURE

Analysis of National Longitudinal Surveys

Analysts using national longitudinal datasets to track women as they move between welfare and work typically find that getting a job is not the major problem for welfare mothers (Harris, 1993, 1996; Pavetti 1993; Spalter-Roth et al. 1995). Studies spanning the last two decades show that about half of all welfare mothers work at some point while on welfare, and work accounts for about half to two-thirds of all welfare exits (Harris 1993, 1996; Pavetti 1993). The problem is keeping that job and staying off welfare: about 25 to 40 percent of all women who leave welfare via work return to welfare within one year and up to 70 percent return within five years (Harris 1996; Pavetti 1993). Importantly, all of these studies occured within the context of the previous set of welfare program conditions, i.e., with fewer participation requirements and no time limits. The ability to remain on or return to welfare is considerably more constrained under current welfare legislation.

Certain characteristics enhance recipients' ability to remain off welfare once they leave welfare for work. Women with more than 12 years of schooling, women with prior work experience and women with fewer than three children are less likely to return to welfare (Harris 1996). But, even among recipients with the same schooling, the same experience and the same number of children, there is considerable variation in the probability of remaining at work and staying off welfare. And when recipients are compared to non-recipients with the same schooling and family characteristics, recipients leave jobs at much higher rates than do non-recipients (Pavetti 1996). Both of the above comparisons suggest that unmeasured barriers in addition to low schooling, lack of work experience and large families constrain recipients' employment.

Employer Surveys

What are these unmeasured barriers? One way to answer this question is to examine the labor market directly by asking employers of low-skilled workers what qualities they require when hiring new workers. Holzer (1996) surveyed 3200 employers in four metropolitan areas about the entry-level jobs available to workers without a college degree. He asked what skills were required for these jobs, how employers screened workers, and what were the demographic characteristics (age, race, gender, schooling) of recent hires. He measured skill requirements by the frequency with which the following tasks - dealing with customers either in person or on the phone, reading paragraphs, writing paragraphs, doing arithmetic and using computers - are performed.

Holzer (1996) found that the majority of entry-level jobs in urban areas were in the service, retail or trade sectors, that the typical job required several skills, and that employers used both credentials and interviews to screen workers. Each task which Holzer asked about (with the exception of writing paragraphs) was performed daily in half or more of the entry-level jobs. Employers used several credentials to screen applicants for these jobs. About 75 percent of entry-level jobs required a high school diploma, general experience, and references; 65 percent required specific experience; 40 percent required training; over 50 percent required applicants to pass a test; and 85 percent required an interview. When Holzer examined recent hires, he found that employers who required vocational experience or reading and writing skills were significantly less likely to hire women, particularly black women. Holzer and Danziger (1998) conducted simulations that "matched" workers to jobs on the basis of skill, location, and racial characteristics. They found that the lack of job availability for welfare recipients was nearly three times that of women in general.

There may be a large gap between the skills employers demand and those welfare recipients can offer. Harris (1993) shows that welfare recipients typically work at service or manufacturing jobs when leaving welfare. According to Holzer (1996), 50 to 60 percent of entry-level service and manufacturing jobs require workers to read or write paragraphs and to make arithmetic calculations. Yet, welfare recipients age 17-21 read, on average, at the sixth grade level (National Institute for Literacy, 1996). Seventy percent of welfare recipients score in the bottom quartile of the Armed Forces Qualification Test (AFQT) (Burtless 1995), and between 10 to 30 percent of welfare mothers have a grade school education only (Olson & Pavetti 1996).

Many welfare mothers also lack the credentials required by employers. About half of welfare recipients lack a high school diploma or a GED (Harris 1993, 1996, Bane & Ellwood 1994). Few welfare recipients report recent work experience and, lacking the general and specific work experience demanded by employers, many may find it difficult to obtain references from past employers (Riccio, Freedman & Harknett 1995).

Evaluations of Welfare-to-Work Experiments

Another set of data pertaining to barriers to employment is from research on welfare-to-work experimental programs that follows participants to examine who fails, who succeeds, and why. Virtually all evaluations of such programs find that while most program participants get jobs, a large proportion (often a majority) of participants lose those jobs within a year (Berg, Olson and Conrad 1991; Fraker & Prindle, 1996; Friedlander & Burtless 1995; Gueron & Pauly 1991; Nightingale et al 1990; Hershey & Pavetti 1997; Parker 1994; Pavetti & Duke 1995; Quint et al 1994; Riccio, Freedman & Harknett 1995; Ranagarajan, Burghardt, & Gordon 1992; Thornton & Hershey 1990).

One reason why participants lose jobs is that they lack knowledge about the rules of the work world – that is, they may not be "work ready". Berg, Olson and Conrad (1991) conducted in-depth interviews with 58 low income workers (57 of whom had received welfare) and their supervisors in Chicago's Project Match, a program which linked up poor, inner-city residents with jobs. Sixty percent of these workers lost their jobs within six months. A major cause was that many participants failed to understand the importance of punctuality, the seriousness of absenteeism, and resented or misunderstood the lines of authority and responsibility in the workplace. Quint, Musick and Ladner (1994) report similar results based on in-depth interviews with young mothers in the New Chance Demonstration. Berg, Olson and Conrad (1991) recommend that welfare-to-work programs provide participants information about rules of the workplace and teach participants coping skills to deal with work stresses.

Berg, Olson and Conrad (1991) mention, but do not analyze, a number of situational stresses that might hinder participants' abilities to work continuously. About one-third of participants in Project Match reported they were either actively discouraged from working or received no support for working from friends and relatives. About one-quarter of participants said that extreme violence had closely touched their lives. About one-quarter of participants reported housing problems, such as frequent mobility and disconnected telephone service, during the four-month interview period. Six supervisors reported that they suspected respondents were abusing drugs or alcohol.

An evaluation of the California Greater Avenues for Independence (GAIN) program suggests that physical and mental health problems and severe family crises may limit recipients' ability to remain employed. Riccio, Freedman and Harknett (1995) examined records of recipients who participated in GAIN for three years, and concluded that serious health and personal problems made continuous employment impossible for a substantial minority of participants. They found that among mothers in GAIN who received AFDC for more than two years, almost 30 percent had been deferred at some point for a medically verified illness and that 27 percent had been deferred for a severe family crisis. Hershey and Pavetti (1997) reported that health problems accounted for 9 to 13 percent of all job losses in the New Jersey REACH, the Minority Female Single Parent Demonstration and the ET Choices demonstration programs. Fraker and Prindle (1996) reported that 30 percent of a sample of recipients in Iowa whose cash assistance had been terminated due to non-compliance with Iowa's welfare-to-work program reported serious personal or health issues.

There is also some evidence that psychological well-being and domestic violence limit welfare mothers' success in education and training programs. In a study of female JOBS participants in North Carolina, lower levels of personal control, in addition to the level of child problem behaviors, were associated with parenting stress, which in turn predicted whether mothers completed the educational and training activities (Orthner & Neenan 1996). Raphael (1996) reported that participants in an employment training program in Chicago who dropped out prior to meeting their educational or employment goals experienced more domestic violence than did participants who met their goals. Raphael speculated that partners of welfare recipients may sabotage mothers' efforts to complete training or enter the work place.

These evaluation studies identify many factors, in addition to a lack of schooling, experience and basic skills, that might impede welfare mothers' employability. "Work readiness", or knowledge about the importance of punctuality, absenteeism, and lines of authority in the work place, as well as supervisor prejudices, health and mental health problems, family stresses, and domestic violence all reduce success in these programs.

Employer Audits, Qualitative Employer Interviews and Worker Surveys

Employer audits, qualitative employer interviews, and studies of perceived workplace discrimination provide additional evidence that employer prejudices may inhibit welfare recipients' prospects of getting and keeping jobs, especially when they are women of color. Kirschenman and Neckerman (1991) interviewed representatives from 185 firms about entry-level jobs for applicants without a college degree, and report that employers had negative perceptions of African-Americans' and inner-city residents' skills and work attitudes. Kenelley (1995) analyzed interviews of a similar group of employers in Atlanta. She reports that employers viewed black women as single mothers and as unreliable workers. The Urban Institute sent pairs of matched African-American and white students with comparable resumes to firms in Chicago and Washington, D.C. They found that 15 percent of white applicants, but only 5 percent of African-American applicants, received job offers (Turner, et al 1992). The Fair Employment Council of Greater Washington, Inc. conducted similar race-based audits in Washington and obtained similar results: 19 percent of whites, but only 6 percent of African-Americans, received a job. Bobo (1995) looked at discrimination from the employee's point-of-view using a survey of Los Angeles residents. These individuals were asked whether they had experienced any of the following kinds of workplace ethnic or racial discrimination: a supervisor who used racial slurs, slower pay raises or promotions than workers of other races/ethnicities, been refused a job due to race/ethnicity, or general racial and ethnic discrimination. Bobo (1995) reports that almost half of all African-Americans reported having experienced one or more of these forms of discrimination. This compares to less than one in six for whites. If employers and supervisors consistently underestimate the capacities of single mothers, minorities, or inner-city residents, many welfare mothers will be jeopardized in the labor market, whatever their credentials. They may have less success in their job searches and in their prior work experience; they may be less willing to search widely for jobs.

The Prevalence of Mental Health and Substance Problems Among Recipients

Current welfare policies implicitly assume that welfare recipients are similar in their psychological status and functioning to the general population. Our discussion thus far has focused on factors that have been identified as barriers to work. The evaluation studies raise issues of mental health problems, substance abuse, and domestic violence, but do not directly measure such problems or link them to work. Recently, researchers and policymakers have begun to speculate that welfare mothers experience more psychological distress and psychiatric disturbances than do other groups.

There is considerable evidence that psychiatric disorders are associated with lower rates of employment and lower socio-economic status in the general population (Kessler, et al., 1995). In preliminary analyses of the National Comorbidity Survey (NCS), a national survey of 8,098 individuals designed to estimate the prevalence of psychiatric disorders, Kessler et al. (1995) found that virtually all medically recognized mental health disorders are significantly and negatively associated with socioeconomic status. But in particular, we explore the prevalence of two major psychiatric disorders—depression and post-traumatic stress disorder—and the prevalence of substance abuse among low-income women and among the welfare population relative to the general population. These three conditions may be particularly important for women's ability to succeed in the labor market.

Depression. Rates of depression in national random samples generally range from 17 to 20 percent (Blazer, Kessler, McGonagle, & Swartz, 1994; Ritchey et al., 1990). In contrast, studies using convenience samples of poor or unemployed individuals report levels of depression ranging from 29 to 48 percent (Bassuk et al., 1996; Belle, 1990). Belle (1990) reports that nearly one-half of a sample of low-income mothers of young children had high depressive symptoms; those who were extremely low-income, unemployed, or single were most likely to show symptoms of depression.

Researchers have recently established an association between depression and welfare reliance. In an evaluation of 790 participants in the JOBS program, 42% of the sample met the criteria for clinical depression, more than twice the proportion of the general population (Moore, et al., 1995). Similarly, an examination of NLSY data revealed that 42 percent of welfare recipients interviewed in 1992 met the criteria for clinical depression (Steffick, 1996). In contrast, only 20 percent of those who did not receive welfare in that year reported such high levels of depressive symptoms. Krinitzky (1990) found that low-income welfare mothers were significantly more distressed and depressed than low-income non-welfare mothers. Nichols-Casebolt (1986) found that among low-income mothers, those who did not receive welfare scored significantly higher on measures of both personal competence and self-satisfaction. Zill, Moore, Nord and Stief (1991) compared poor welfare mothers to poor non-welfare mothers using several national data bases. These researchers reported that welfare mothers are more prone to depression than non-welfare women with children, and that rates of depression are lower among welfare mothers who had worked during the previous year. However, the variety of measures used to assess depression in the different samples makes it difficult to assess the relative prevalence of depression, much less its association with employment.

Post-Traumatic Stress Disorder. Kessler, et al.'s 1995 analyses of the NCS show that post-traumatic stress disorder (PTSD) is more prevalent than was previously believed. Women are more likely than men to develop PTSD when exposed to a trauma (Breslau, et al., 1991) and the rate of PTSD is three times higher among low-income women than in the general population (Bassuk, et al., 1996). Though no analysts have directly investigated the incidence of PTSD among welfare mothers, many have characteristics that put them at high risk for PTSD. For example, traumas most commonly associated with PTSD among women are rape, domestic violence and sexual molestation (Saunders, 1994); studies of convenience samples of welfare mothers suggest that a sizable proportion may experience such trauma. Curcio (1997) reports that among welfare recipients in the Life Skills Class of a welfare-to-work program in New Jersey, 22 percent of the women report having been raped, 55 percent report having experienced domestic abuse, and 20 percent report having been sexually molested as a child. There are currently no studies that examine the effects of PTSD on welfare recipients' employment and earnings.

Alcohol and Substance use and Dependence. A number of studies have found that alcohol and drug use negatively affect employment and earnings (Berger & Leigh, 1988; Bryant, Jayawardhana, Samaranayake & Wilhite, 1996; Kaestner, 1991, 1994). Most studies however, have focused on men's employment and have not examined the effect of substance use on employment of single mothers. Little extant data documents the prevalence of substance dependence among welfare recipients, in part because of problems with underreporting of drug and alcohol use. In addition, substance dependence issues have not generally been a part of the eligibility or intake process for the welfare program (U.S. Department of Health and Human Services 1994).

Joseph Califano, former Secretary of Health, Education, and Welfare, was recently quoted estimating that "hundreds of thousands of welfare recipients" were addicts and abusers (Jayakody & Pollack, 1997). Although this particular estimate seems inflated, existing data suggest that the prevalence of self-reported non-medical drug use is significantly higher among AFDC recipients than in the general population (U.S. Department of Health and Human Services 1994; Olson & Pavetti 1996). An "impairment analysis" with these data suggested that approximately 4.4 percent of AFDC recipients have substance dependence problems that may be sufficiently debilitating preclude immediate participation in employment or training activities. An additional 10.5 percent may have a moderate impairment that would require substance dependence treatment as a supportive service in employment and training activities problems (U.S. Department of Health and Human Services 1994). These results have serious implications for mothers' ability to become employed within two years of welfare receipt and to leave the rolls permanently within five years.

The Prevalence of physical health problems, personal and family stresses, and Domestic Violence among recipients

Poor families score badly on a number of health indicators and experience more stressful life events relative to non-poor families (Hall et al., 1985; Olson & Pavetti 1996). It is quite likely that family stresses and stressful life events are more common in welfare families than in non-welfare families. As stated above, Riccio et al.'s (1995) evaluation of California's GAIN program found that a large minority of participants were deferred from work due to family crises. Orthner and Neenan's (1996) evaluation of JOBS participants showed that parenting stresses reduced the probability of completing an education program. Below we review studies of stresses such as physical health problems of mothers and children, stressful life events, and studies of domestic violence. These stresses may interfere with welfare recipients' ability to become self-sufficient.

Physical Health Problems. Research has consistently demonstrated a positive association between employment and health (Herold & Waldron, 1985; Kessler, Turner, & House, 1987; Bird & Fremont, 1991). Women who are employed full-time are healthier than women who work part-time and women who work full or part-time are in better health than women who are unemployed (Herold & Waldron, 1985; Verbugge & Madans, 1985; Anson & Anson, 1987). While health is positively associated with employment, there is little research on whether health problems are a barrier to employment. Ross and Mirowsky (1995), using two-wave data from the National Survey of Personal Health Practices and Consequences, found that being in good health increased the odds of keeping or getting a full-time job for men and women. Having no functional physical health impairments increased the odds of full-time employment by over 35% for women in the study.

Analysis of data from the 1990 Survey of Income and Program Participation (SIPP) and the National Health Interview Survey (NHIS) revealed that between 16.6 and 19.2 % of women receiving welfare have a disability that limits their ability to work and over half of these women (10.6%) have a disability which severely limits their ability to perform basic functions such as walking, dressing, bathing, or eating. An additional 11.7% have some difficulty with these functions (Loprest & Acs, 1995). Approximately 7% of women on welfare reported having over 30 days in the last year in which they were confined to bed (Loprest & Acs, 1995). These findings suggest that the presence of a disability or functional limitation may present a barrier to work for many women on welfare.

The health of children or other family members could also interfere with a woman's opportunities for employment. Children in families that receive AFDC are more likely to suffer from physical disabilities and serious health problems (Olson & Pavetti, 1996). Though only 1.7% of families on welfare have children with a serious disability, 15.9% of families have at least one child with functional limitations and 22.5% of women on welfare have a disabled adult living with them (Loprest & Acs, 1995; Adler, 1993).

Personal and Family Stresses. Socioeconomic status has also been linked to the experience of stressful life events. One classic study found that members of the lower class and women are both exposed to relatively high rates of change or instability in their lives (Dohrenwend, 1973). Another suggested that unmarried women may not only experience a greater number of persistent daily stressors than married women, but may also be more affected by them (Hall, et al., 1985). Lindblad-Goldberg, Dukes, and Lasley (1988) argued that being poor, black, female and a single parent forms a chronic source of stress itself. In a study of low-income mothers of young children, the one-year average number of stressful life events experienced was 6.75 (Makowsky, 1982). In contrast, community surveys report that, on average, members of the general population experience only one or two stressful life events each year. A recent study of stressful life events among a sample of first-time welfare recipients (Kalil, Kunz, Born, & Caudhill, 1997) found the average number to be 8.40 per year. In this study, welfare recipients who reported recent work experience and those in poor physical health experienced more stressful events in the previous year.

These stressors may affect welfare recipients' ability to find, get, and keep jobs. Life stressors may affect women's experience in the welfare system by increasing depression and diminishing efficacy or by creating different types of psychological distress. For example, Belle (1984) suggested that a multiplicity of negative life events impairs recovery from stress and weakens an individual's ability to cope with new problems. Alter (1996) suggested that exposure to stressful life events can disadvantage welfare recipients in their efforts to believe that they can control their lives and plan alternative futures for themselves. This sense of mastery, or efficacy, has been linked to welfare reliance and attitudes about work. In a longitudinal study of 851 mothers on AFDC, an enhanced level of personal control was directly related to reduced welfare reliance; and personal control had a stronger association with welfare reliance than did education (Parker 1994). Popkin's (1990) qualitative study of 149 welfare mothers in Chicago found that those who were long-term recipients, high school dropouts ,and aged over 40 had a lower sense of personal efficacy. Mothers with a lower sense of personal efficacy were less likely to mention work as an alternative and were more likely to report thinking of no alternatives when asked to speculate about what they would do if they could not receive welfare benefits. In contrast, mothers with high efficacy were more likely to state they would not need welfare in one year and that there would be no obstacles to finding work in the future.

Domestic Violence. National surveys have documented that domestic violence is a substantial problem for women (Plichta, 1996; Steinmetz, 1980; Straus & Gelles, 1986). Straus and Gelles (1986) estimated that approximately 1.8 million U.S. women are severely beaten each year. Results from the 1996 Commonwealth Fund Survey support this finding with an estimate that 3.2% of women (1.7 million women) who are married or living with a partner are exposed to severe spouse abuse (Hartmann, et al., 1996).

Despite two decades of research about domestic violence and its effect on the physical and psychological well-being of women, little attention has been focused on the effects of violence on women's labor force participation and analysts have only recently examined domestic violence in welfare populations (Raphael, 1996). Recent studies indicate that domestic violence is present in the lives of a high percentage of women on welfare. Focusing on lifetime physical abuse by a male partner, Colten (1996), Curcio (1996), Bassuk et al. (1996), and Lloyd (1996) found prevalence rates of domestic violence ranging from 48% to 63% among recipients. These and other studies have also documented that women who are in abusive relationships encounter increased interference from their male partners as they make the attempt to progress from welfare to work (Bassuk et al., 1996; Colten, 1996). For instance, Colten found that abused women in her sample of welfare recipients were 15 times more likely than their never-abused counterparts to have a current or former partner who would not like her going to school or work.

Can Welfare Recipients earn a living wage?

The research reviewed above examines potential barriers to the employment of welfare recipients. These barriers are likely to inhibit wage growth as well as employment. A key goal of welfare-to-work programs is for mothers to eventually become self-supporting. Virtually all participants in the welfare debate agree that in the first period after leaving welfare, recipients will work at low wage jobs. Wages are likely to be $5 to $6 per hour (Pavetti & Acs 1996; Pavetti & Duke 1995; Riccio et al., 1994). But the hope is that over time, as welfare recipients gain work experience, their wages will grow and they will eventually earn enough to support their families. There are several reasons to expect that wages will grow for welfare recipients under the new work-oriented welfare system. Incentives to work are much higher under this system. As recipients work over time, they should acquire work experience, basic skills and learn about appropriate behaviors in the work place. Work may also lead to improved psychological functioning (e.g., less depression, increased self-efficacy), may reduce family stresses, may enable women to leave abusive partners, and may motivate women to seek additional schooling. These changes, in turn, could lead to better jobs and higher wages.

But there are also reasons to predict that wages of welfare mothers will be flat over time (Edin & Lein, 1996). Many welfare recipients are high school dropouts, many lack basic skills, and many have little or no work experience. Considerable evidence shows that the wages of low-skilled workers declined in the 1980's due to structural changes in the economy (Danziger & Gottschalk 1995). Analyses by Burtless (1995) and Pavetti and Acs (1996) show that earnings growth is very slow both for welfare mothers and for mothers who do not receive welfare but are high school dropouts and/or have low test scores. These studies typically estimate how wages grow with age, not with years of work experience. The welfare mothers in these studies work at very low rates. If the welfare-to-work programs can increase the amount welfare mothers work, then perhaps their wages would increase more over time than is suggested by Burtless and Pavetti and Acs.

However, there are also reasons to predict that the wages available to welfare mothers will not support a family. Edin (1995) estimates that a woman who works full-time needs to earn about $8 per hour to cover work and family expenses. Yet, most studies of welfare-to-work programs find that while earnings of recipients in such programs do increase over time, this is mostly due to increases in work hours and not to increases in wage rates (Gueron & Pauly 1991). Moreover, Edin and Lein (1996) offer a discouraging view of what work now provides welfare mothers, even among those with substantial work experience. Both the wage-reliant and the welfare-reliant women they inteviewed saw themselves stuck in the "low-wage ghetto", in jobs that offered little mobility and few benefits. For these women, increasing their skills and education were seen as the only route to upward mobility and wage growth.

Edin and Lein (1996) discuss another important issue: the costs associated with going to work. They described strong, resilient women who had no trouble getting jobs (83% had some work experience in the formal labor market) but had a hard time keeping them because of the hidden expenses of working. The wages offered in the low-wage labor market are not sufficient to cover these costs. For example, working mothers faced increased costs in child care, medical care, transportation, housing, and suitable work clothing. Women also considered the non-economic "costs" of working: whether full-time work accommodated purposeful and competent parenting, or whether work would interfere with important family management responsibilities, such as supervision and monitoring, needed to insure older children's safety and well-being. The wage-reliant women in Edin and Lein's study who were able to work steadily benefitted from a confluence of "special circumstances" — other benefits such as co-residence with relatives or boyfriends and its shared economies of scale, free child care provided by relatives or friends, receipt of regular and substantial child support, and access to transportation, that allowed them to work and remain off welfare.

Table 1
WHAT DOES PAST RESEARCH SAY ABOUT WELFARE RECIPIENTS' ABILITIES TO GET JOBS, TO KEEP JOBS, AND TO EARN A LIVING WAGE?

1. Longitudinal Surveys: Analysis of the Dynamics of Welfare and Work
1) Many recipients work while on welfare
2) Many recipients leave welfare for work
3) The majority of recipients eventually go back on welfare at least once
4) Women with low schooling, work, little experience and large families are more likely to go back on welfare

2. Employer Surveys
1) The majority of entry-level jobs are in the service, retail or trade sectors
2) The majority of entry-level jobs (for workers without a college degree) require basic skills (communication, writing, arithmetic, or computer skills). Welfare recipients age 17-21 read, on average, at the sixth grade level.
3) The majority of entry-level jobs require credentials (high school diploma, work experience, references). About half of all welfare recipients lack a high school diploma or GED. About 40 percent had little or no work experience prior to their first welfare spell.

3. Evaluations of Welfare-toWork Programs
1) Most participants get jobs, but the majority lose those jobs within a year
2) Many program participants do not understand or comply with workplace norms about tardiness, absenteeism, or appropriate behavior (Project Match, New Chance)
3) Some evidence of discriminatory treatment on jobs (Project Match)
4) There are reports but no details that health problems and severe family crises cause participants to leave jobs (GAIN)
5) The evidence is usually indirect and based on small, localized samples

4. Discrimination Studies
1) Two employer audit studies show African-Americans are less likely to receive job offers than are whites with comparable credentials
2) One local study shows employers negatively perceive African-Americans' (especially men's) work ethics and skills
3) A second local study shows that employers stereotype African-American women as single mothers who are unreliable workers due to their family responsibilities
4) Almost half of all African-American women report experiencing race-based workplace discrimination in an L.A. study

5. Mental Health and Substance Abuse
1) Rates of depression are higher among low income, unemployed mothers of young children and among welfare mothers in national and local samples. Almost 50 percent of welfare mothers in the GAIN program met the criteria for clinical depression; 42 percent of welfare mothers in the JOBS program, and 42 percent of welfare mothers in the NLSY.
2) Traumas commonly associated with post-traumatic stress disorder (PTSD) are rape, domestic violence, and sexual molestation. Studies of convenience sample of welfare mothers suggest that a sizeable proportion have experienced such traumas. For raped: 55 percent reported having experienced domestic violence and 20 percent reported having been sexually molested as a child.
3) There is suggestive evidence that rates of substance abuse problems are disproportionately high among AFDC recipients

6. Physical Health, Family Stresses and Domestic Violence
1) AFDC children are more likely to suffer from physical disabilities and serious health problems
2) Poor families score badly on a number of health indicators and experience more stressful life events
3) Convenience samples of AFDC recipients suggest high rates of physical domestic abuse (50 percent or more) compared to women in the general population (11.6 percent)
4) Qualitative data suggest partners of recipients sabotages mothers' attempts to enter the work force

7. Wage Growth Among Welfare Recipients
1) Burtless (1995) shows that wages grew less than 1 percent per year for welfare mothers and that wages grew 4.8 percent per year for women who did not receive welfare
2) Even among mothers with the same years of schooling and the same race/ethnic background, women who ever received welfare have much lower probabilities of working steadily at a "good" job in their late 20's than do non-recipients.

SUMMARY OF LITERATURE REVIEW

The seven sets of research studies reviewed above suggest that state programs to move welfare clients into work face many obstacles. Table 1 summarizes the results of this past research. First, the welfare dynamics studies, the program evaluations, and the wage

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growth studies all indicate that getting welfare recipients a job is only the first step in moving them to self-sufficiency. Welfare recipients have a hard time keeping jobs, and their wages grow slowly, if at all, over time.

Second, based on our review of past research, we have identified several barriers that may reduce welfare recipients' abilities to keep jobs and reduce their wage growth: low education, little work experience, a lack of the basic skills demanded by employers, a lack of knowledge about behavioral rules of the work place ("work-readiness"), workplace discrimination and harassment, mental health problems, alcohol and drug dependence, physical health problems, family stresses, and domestic violence.

Analyses of national longitudinal surveys have established that low levels of schooling and work experience reduce welfare recipients' employment and wages. Perhaps half of all welfare recipients are high school dropouts. Employers are looking for workers with good basic literacy, arithmetic, and communication skills, yet a large proportion of recipients have low cognitive test scores and may lack these basic skills.

In addition to lacking basic skills, two areas where barriers may exist have been identified, although prevalence data are not available. First, some clients may not be "job ready" — that is, they do not behave appropriately in their work settings. Both the Project Match and New Chance programs report that a sizeable minority of participants lost jobs because they failed to comply with workplace norms about tardiness, absenteeism, and appropriate behavior.

Second, indirect evidence suggests that employer discrimination may limit recipients' abilities to get and keep jobs. Project Match evaluators reported some instances of prejudiced treatment of clients by their employers and audit studies and qualitative employer surveys find that employers perceive and/or treat African Americans different than whites. African American welfare recipients may thus face multiple obstacles to employment.

Finally, considerable evidence suggests that rates of health and mental health problems and of psychological distress are higher than average for welfare mothers, but no studies directly link such problems to employment and wage outcomes for welfare mothers. Studies of convenience samples suggest that family stresses, substance dependence and domestic violence are much more common among welfare mothers than in the general population. Estimates of the incidence of lifetime physical abuse by a partner are over 50 percent; estimates of the incidence of current abuse range from 15 to 33 percent; and descriptive evidence from qualitative studies suggest that abusers sabotage women's work efforts. But more research needs to be done to understand the ways in which domestic violence, family stresses, and substance abuse limit the employment and wage prospects of welfare mothers.

POLICY IMPLICATIONS

Individual interventions

We have identified a number of potential barriers to employment. From an intervention perspective, overcoming such barriers to employment will be a key component of recipients' success under the new welfare system. We expect that recipients will differ in the number and severity of barriers they face. For some recipients with few or no barriers, the provision of information and training on job search strategies may be sufficient. Other recipients face more barriers and will require more help if they are to become economically self-supporting. In at least some cases, service providers or clinicians may first have to intervene to help welfare recipients overcome problems with lack of job readiness, or with psychological problems, such as low self-esteem, depression, or with more serious issues such as substance abuse problems and domestic violence.

Even though the Temporary Assistance to Needy Families (TANF) program mandates that states have a certain number of welfare recipients engaged in work-related activities, states are not precluded from offering job-readiness activities that include self-esteem-building, the development of realistic goals, or awareness of personal barriers to self-sufficiency. In the past, these activities have been successfully incorporated into some welfare programs; they typically allow welfare recipients to develop support systems among their peers or to build trusting relationships with program staff (Pavetti, et al., 1996). Empirical evidence suggests that these types of interventions may help welfare recipients leave the rolls. For example, evaluation results from the Iowa Family Development and Self-Sufficiency Program, a random-assignment welfare-to-work program that reflects a "family support" philosophy for hard-to-serve, long-term welfare recipients, indicate that recipients in the experimental group gained greater self-efficacy and competence than control group members. Experimental group members were more likely to act proactively on housing problems and had larger education and wage gains than controls. Furthermore, in the fifth year of enrollment in the program, a greater number of experimentals had left welfare than controls (Alter, 1996).

Currently, federal work requirements only allow states to count up to six weeks of job search and job readiness activities per individual, but these services may be necessary first steps for hard-to-serve welfare recipients. Pavetti et al. (1996) and Brown (1997) argue that the provision of such supportive services to families with moderate personal challenges to getting and keeping jobs is not incompatible with a programmatic emphasis on quick entry into the labor market (e.g., "Work First"-type programs). Assistance with personal challenges can be useful even in a short-term framework; small, low-risk steps designed to boost recipients' self-esteem can lead to bigger steps to address more challenging personal and psychological problems. In Michigan, just under a quarter of "Work First" programs offer activities designed to increase self-esteem and increase personal efficacy (Seefeldt, Sandfort, & Danziger, 1998).

Herr, et al. (1996) argue that non-traditional welfare-to-work activities such as volunteering or self-improvement activities such as exercise or crafts, what Herr calls "lower-rung" activities on the ladder to economic independence, can serve an important function when performed in combination with more traditional activities such as job search. These preliminary activities, by offering alternative arenas for positive development, can help build the confidence and motivation that success in regular employment requires. They can also provide important, although not obvious, forums for learning specific work-related skills such as knowing how to follow instructions and being able to work alongside others as a member of a team (Herr, et al., 1996).

These activities can also help serve welfare recipients with low education levels. For example, employment and training specialists at one Chicago welfare-to-work program found that among recipients for whom the GED was not a realistic goal, the greatest barrier was not low academic ability but lack of problem solving skills, problems with interpersonal relationships, and difficulties with communication (Pavetti, et al., 1996). Herr and her colleagues contend that the development of these types of psychological resources among welfare recipients needs to be a starting point in welfare-to-work programs that serve the least job-ready. Informal evaluations of Herr's Chicago program, which incorporates this ladder model, indicate that 93% of program participants had worked at some point in a five-year period after participating in Project Match (Pavetti, et al., 1997).

Welfare-to-work programs may also have to adapt to the needs of clients with more serious barriers to work, such as substance abuse or domestic violence. Pavetti, et al. (1997) describe a treatment-based model that would engage families in intensive counseling or therapeutic treatment to address problems such as substance dependency or severe family crises. Models of this type of social service delivery are theoretically based on social work interventions such as Homebuilders family preservation models and other short-term intensive crisis interventions. The Wellstone/Murray Family Violence Amendment to the PRWORA is a state option that establishes procedures to refer individuals who are victims of domestic violence to counseling and support services, when necessary. Although little empirical evidence exists regarding the effects of family preservation interventions on the work effort of welfare recipients, Pavetti, et al. (1997) summarize evidence suggesting that substance abuse-treatment for welfare recipients has had favorable cost-benefit results in a number of sites. Reports from caseworkers in one program in Chicago that offers weekly support groups to participants to address issues such as domestic violence and depression suggests that the burden on caseworkers has eased, and that fewer participants have had their employment-related activities interrupted because of personal issues (Pavetti, et al., 1996).

Although clients attending mental health or substance abuse counseling sessions will typically not be counted toward a state's work participation rate during this treatment period, Brown (1997) suggests that programs may want to consider using such services, for a limited time, as a pre-cursor to moving the harder-to-serve into employment or as a "back-end outlet" for those who are identified as having a significant barrier to employment. Once the problem is addressed, these recipients can be placed back into more traditional job search and job preparation programs with an increased likelihood of succeeding. Or, since states can define the scope of community service employment (a countable activity) both in terms of tasks and hours, clients could jointly participate in counseling and perform volunteer activities. Finally, letting recipients attend to such employment-limiting personal issues can also decrease the need for negative sanctioning, which is more likely to occur among recipients with the more severe personal and family problems (Pavetti, et al., 1997).

Changes in the Workplace

Thus far, we have focused our policy implications on interventions directed at welfare recipients themselves. However, based on our review, we argue that employers and workplace settings may also have to adjust to women's transitions from welfare to work. For example, although Berg, Olson and Conrad (1991) emphasize that a lack of work readiness caused problems for Project Match recipients, they also note that some supervisors seemed to treat workers unfairly. They report that in 22 out of 58 cases, participants' backgrounds (poor, African-American, Cabrini Green residents) were an issue for supervisors, and they concluded that in about half of these 22 cases, supervisors seemed impatient and prejudiced. This suggests that discrimination or unfair treatment by supervisors might discourage recipients from remaining in jobs. Berg, Olson and Conrad (1991) recommend that keeping recipients employed might require training supervisors to deal with cultural differences in the work place as well as teaching recipients about the rules of the work world.

Another option for programs is to offer retention services to recipients once they are employed. From 1994 to 1996, the "Post-Employment Demonstration" operated in four sites and provided newly employed welfare recipients with case managers who offered services ranging from counseling to short term payments to alleviate emergencies which could interfere with clients' abilities to maintain employment (Herr, Halpern, & Wagner, 1995). Although results of this intervention are not yet available, some welfare-to-work programs continue to provide retention services, including intervening in disputes with employers (Seefeldt, Sandfort, & Danziger, 1998). However, because of the stigma associated with welfare receipt, some clients may not want this kind of assistance, and program staff must be cautious about violating client confidentiality.

Labor Market Interventions

The wage growth studies, the work of Edin and Lein, and research by Rebecca Blank suggest that even when welfare reform "works", that is, when women get and keep jobs, there is no guarantee that these jobs will pay a living wage. Both quantitative and qualitative evidence suggests that welfare women are stuck in the low-wage ghetto. This evidence is consistent with a large body of research on economic restructuring which indicates that good wages, fringe benefits, wage growth, and promotion opportunities are vanishing from low-skilled jobs (Blank, 1996; Danziger & Gottschalk, 1996; Wilson, 1996). To the extent that this is true, transitional subsidies may not be enough to promote women's economic independence. In contrast, programs that deliver resources to working poor mothers would be valuable. These could include increases in the minimum wage, expansions of the Earned Income Tax Credit, child and family health care coverage, and child care subsidies, tax credits, and services.

Supports for Parenting

Our review of "barriers" to work would do a disservice to welfare recipients if we failed to acknowledge the "work" of raising children as a single parent on extremely limited income. The circumstances of welfare recipients' lives are daunting. Most are raising their children under circumstances of material hardship, with little support, and many live in dangerous neighborhoods. Policies need to also pay attention to these non-economic factors that may limit women's employment in the formal labor market.

Notably absent from discussions of welfare policy is the fact that welfare recipients make decisions regarding work and welfare in the context of their roles as mothers. Qualitative research illustrates that the tensions between work and parenting are particularly difficult for low-income parents who have limited resources and experience stressful living conditions (Oliker, 1995). Welfare mothers who work surmount enormous challenges securing safe and appropriate child care for their children, retaining adequate health care coverage for them, and organizing their schedules to afford opportunities for meaningful parent-child interaction (Kalil, Schweingruber, Daniel-Echols, & Breen, 1997).

Few current welfare-to-work programs provide support for the energy required for single mothers to move from welfare-to-work and at the same time attend to family responsibilities and values. Even fewer recognize that the trade-offs women perceive between work and welfare are often based on their view of the best thing to do as a mother. Women's choices regarding the balance between working and parenting will be further limited in light of new welfare regulations. Edin and Lein (1996) found that one of the few ways low-income women successfully combined work with parenting was with the support of family members. Parenting support, particularly from absent fathers, would be a valuable commodity for low-income single mothers. Policies that encourage caring and responsible involvement from absent fathers and other family members should be encouraged (Kaplan, 1998).

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AN EXAMINATION OF THE EFFECTS OF WELFARE PARTICIPATION ON WOMEN'S WAGES

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ABSTRACT

This paper examines the hypothesis that welfare participation depreciates human capital and thus lowers wage rates in welfare recipients. This adverse effect on wages arises due to recipients' withdrawal from the labor market during the time on welfare and also due to some employment restrictions once they return to the labor market. Using data from the Panel Study of Income Dynamics, this study shows that AFDC receipt reduces women's wage rates by 2.2 to 3.2 percent per year, but a combination of work and welfare receipt in a year does not have a significant effect on wages. These findings suggest that requiring welfare recipients participate in education or job-related activities is one way to keep recipients' job skills from depreciation. However, with the time limit for which recipients can receive benefits, the estimation results also suggest that the current welfare system is not likely to achieve low-skilled recipients' self-sufficiency.

I. INTRODUCTION

Previous literature has shown that a substantial percentage of welfare recipients stay on welfare for many years. The new welfare law passed in 1996 has aimed to reduce the number of long-term welfare recipients. In this reform, not only has the name of the most major welfare program, Aid to Families with Dependent Children (AFDC), been changed to Temporary Assistance to Needy Families (TANF) in order to emphasize the program's temporary nature as a financial support, but TANF receipt has also been limited to a maximum of two consecutive years and five years total over a lifetime.

To predict the effectiveness of the new law on reducing the number of long-term welfare recipients and welfare re-entrants, one has to understand why people stay on welfare for a long time and why people return to welfare programs after their prior exits. Pavetti (1993) finds that having work experience and basic skills is associated with a higher rate of welfare exit and a lower rate of welfare return. This finding suggests that the level of human capital largely determines who will become a long-term welfare dependent. This finding also motivates an examination of women's human capital formation during their welfare participation. If welfare receipt leads to an interruption of human capital accumulation, recipients are not likely to improve their potential wage rates and leave welfare. More important, if failure to work or to receive job training during welfare receipt results in a depreciation of human capital, it will be even more difficult for recipients to get off welfare. As a result, this adverse effect on human capital can cause long-term welfare dependence. This paper examines the existence of the human capital depreciation effect. In particular, it tests whether welfare experience has a detrimental effect on women's wages.

It has long been recognized that an improvement of job skills in welfare recipients is one way for this population to achieve self sufficiency. Before the welfare reform two years ago, registration in job-related activities was usually required for recipients with school-age children. However, unlike the new law, the earlier system did not make taking assigned employment opportunities a condition for recipients to stay on welfare. Effective job-training activities can increase recipients' economic prospects and reduce the probability of their further welfare receipt. On the other hand, if the job-related activities do not provide significant assistance, recipients who do not work while on welfare rarely have a chance to accumulate their human capital. In this case, the welfare experience may lead to a reduction in recipients' potential wage rates due to depreciation of human capital.

Moffitt and Rangarajan (1989) examine the effect of welfare participation on females' wage rates. They find that the current wage rate of a previous welfare participant is 20 percent lower than that of her counterpart who has never been on AFDC. However, Moffitt and Rangarajan (1989) fail to address whether the magnitudes of the effect vary according to the time spent on welfare. In terms of human capital formation, spending a long time on welfare should have a larger impact on wage rates than a short stay. Thus the hypothesis of human capital depreciation can be tested more closely if the time spent on welfare is taken into account in estimating a wage equation.

Burtless (1995) studies the wage growth of young women in the National Longitudinal Survey of Youth. The data show that, on average, the real hourly wage of those who received AFDC between 1979 and 1981 rose from \$6.18 to \$6.86 from 1979 to 1990. This wage change was equal to \$0.06 in terms of annual wage gain. For those who did not receive AFDC between 1979 and 1981, the annual wage gain was much higher, \$0.37, over the same period. As Burtless does not take differences in individual characteristics into account in explaining these figures, his analysis does not tell us what factors drive the smaller wage gain in welfare recipients. This important question is answered in this paper.

Although the previous welfare law required most AFDC recipients register for work-related activities, the empirical findings shown by Moffitt and Rangarajan (1989) and Burtless (1995) suggest that welfare participation is associated with a smaller wage rate or a lower wage growth. Therefore, it is of interest to examine females' human capital formation during their welfare participation. Since the literature does not provide a clear distinction between the welfare experience effect and individual fixed effects, it cannot be determined whether it is the welfare experience that results in the small wage gain or whether recipients have small wage gain in the first place. That is, the causal effect between welfare participation and the small wage gain is not appropriately addressed in the previous studies. My analysis is an improvement over the previous ones for it identifies the causal effect of welfare participation on women's wages by estimating a wage-difference model.

Mincer and Polachek (1974) point out that labor market withdrawal results in human capital depreciation, i.e., negative accumulation of human capital. If welfare recipients do not participate in the labor force, then welfare participation should cause a similar depreciation effect. However, the magnitudes of these two depreciation effects are not necessarily the same. When recipients have the opportunity to attend work-related activities such as job training or job-search assistance, one should expect welfare participation to cause a small depreciation effect or expect such an effect not to exist at all. On the other hand, it is also possible that previous welfare participants who return to the labor market face some restrictions that would reduce their wages. For instance, if previous welfare recipients have more and younger children or have poorer mobility to access jobs in distant locations than non-recipients, then their wage rates will not be as high once they return to the labor market. In addition, Moffitt (1992) mentioned the possibility of employers' bias against previous welfare participants. Wage reduction associated with welfare receipt will be even larger if such a bias does exist. Therefore, my analysis also compares the two human capital depreciation effects that a withdrawal from the labor market has.

II. ESTIMATION STRATEGY

Human capital is formulated through years of education and work experience. That is, the level of human capital, *H*, can be expressed as

$H = H_0 * e^{rs+bt}$, where s is years of schooling and t is years of work experience, so that r and b are the rates at which human capital accumulates through years of education and work experience. However, it has been discussed in many studies (Mincer and Polachek (1974), Mincer and Ofek (1982), Corcoran, Duncan and Ponza (1983), and Stratton (1995)) that during the period of women's withdrawal from the labor market, their human capital not only stops accumulating but also depreciates. Thus, the level of human capital, taking into account of the effect of labor market withdrawal, is written as

$$H = H_0 * e^{rs+bt-dk} \qquad (1)$$

where k is years out of the labor force after one finishes schooling, and thus d is the human capital depreciation rate due to career interruption.

The effect of welfare participation on human capital formation fits into the framework in two ways. First, if welfare participants tend to work part time or work irregularly during a year, their wages might not increase much over time. In particular, when a welfare participant does not work at all, her wage will be lowered by rate b each year compared to the wages of her counterparts who work continuously. Second, time on welfare may generate the same kind of human capital depreciation effect as intermittent work does. Some welfare participants, although not working, may engage in job training activities. If this is the case, the rate at which human capital depreciates during the time on welfare may be smaller than the magnitude caused by work interruption, d. However, if welfare experience is associated with some employment restrictions, then the reduction in wage rates as a result of welfare participation will be larger than d.

Suppose human capital translates into earnings accordingly. An individual's log wage, lnW, is determined by the same factors as those affecting the level of human capital:

$$lnW(i) = a(0) + a(1)*s(i) + a(2)*t(i) + a(3)*T(i) + a(4)*k(i) + v(i), \qquad (2)$$

where i denotes individual i, T is total time on welfare, and thus $a(3)$ measures the depreciation effect of welfare participation on human capital formation. $v(i)$ is added to capture individual differences in baseline earning capacity. As all the variables in equation (2) are likely to be correlated with the individual differences in baseline wages, coefficients in equation (2) may be biased. This paper applies a wage-difference model to circumvent this problem by eliminating the individual fixed effect on wages. This method is applied in most of the literature on intermittent work, such as papers by Mincer and Ofek (1982), Corcoran et al. (1983), and Stratton (1995). When a person's wages are observed at two different points in time, a wage-difference equation can be estimated by

$$C[lnW(i)] = a + a(2)*C[t(i)] + a(3)*C[T(i)] + a(4)*C[k(i)] + C[v(i)], \qquad (3)$$

where $C[\ ]$ denotes changes in the variables between the two observation points. Equation (3) assumes that education level is constant between the two observation years, and changes in work experience and time on welfare are not correlated with changes in the error component.

III. DATA

The data are drawn from the 1973 to 1992 interviews of the Panel Study of Income Dynamics (PSID). The annual PSID files record household heads and wives' hourly labor earnings in the previous year. This measure of hourly labor earnings is the wage rate analyzed in this paper. As the PSID follows the same families since 1968, it allows me to track an individual's employment characteristics and welfare status each year in the annual files. To obtain the sample, I first select the women who were female household heads with children for at least one year during the 19-year period from 1973 to 1991. I also restrict the sample to those under 56 years old in 1992. The final sample consists of 1378 women.

Table 1 summarizes the means and standard deviations of the major variables used in estimation. A female is defined as an AFDC participant in a year if she is a household head with children and reports a non-zero AFDC income in that year. According to this definition, more than half of the women (704 out of 1378) were on AFDC sometime during the 19 years prior to 1992. These previous welfare recipients received AFDC benefits for an average of 5.15 years out of their 8.55 years of being household heads with children in the sample period. In addition, a woman is denoted as employed when she works more than 1,200 hours in a year. Almost 60 percent of the females were employed in 1992, averaging a wage rate of $6.88. The average work experience over the 19 years from 1973 to 1991, i.e., years of work, was 7.819 years.

Table 1 also presents comparisons between previous welfare participants and non-participants. Previous participants were about 2.37 years younger than previous non-participants, but their work experience was 5.07 years shorter than that of non-participants. The lack of work experience among previous participants should largely account for why they have a relatively low wage rate, $5.75, compared to $7.50 for non-participants. Moreover, if spending time on welfare depreciates human capital, the average five years of AFDC receipt should also play a role in explaining the low earning capacity of previous welfare recipients. It is of interest to examine how much of the wage varia-

Table 1. Means and standard deviations of major variables

	Whole sample	Previous AFDC participants	Previous AFDC non-participants
Wage rate in 1991 (if employed)*	6.879 (4.109)	5.757 (3.257)	7.503 (4.391)
Years on AFDC	2.630 (3.974)	5.149 (4.237)	
Dummy for working more than 1,200 hours in 1991	0.595 (0.491)	0.416 (0.493)	0.781 (0.413)
Years of education	12.092 (1.997)	11.604 (1.848)	12.601 (2.000)
Age	36.970 (8.441)	35.811 (8.154)	38.181 (8.572)
Race (=1 if white)	0.352 (0.477)	0.217 (0.412)	0.492 (0.500)
Years of work experience (>1,200 hours of work a year)	7.819 (6.020)	5.339 (5.237)	10.409 (5.708)
Years of being a household head with children	7.808 (4.006)	8.552 (4.930)	7.044 (4.123)
Sample size	1378	704	674

Notes: Standard deviations are in parentheses.
* In 1982-1984 dollars.

Table 2. Wage difference equations I

	(1)	(2)	Heckman's two-step method (3)	 (4)
Years on AFDC between two observation years	-0.0379 (0.0099)	-0.0299 (0.0100)	-0.0365 (0.0099)	-0.0307 (0.0100)
Years of work between two observation years	0.0202 (0.0039)	0.0367 (0.0051)	0.0283 (0.0045)	0.0368 (0.0051)
Age at last wage observation		-0.0166 (0.0033)		-0.0138 (0.0041)
Lambda			0.4990 (0.1561)	0.1866 (0.1604)
Constant	0.1079 (0.0421)	0.5346 (0.1026)	-0.1113 (0.1785)	0.4078 (0.1767)
Sample size	1065	1065	1065	1065

Note: Standard errors are in parentheses.

tion can be attributed to the differences in work experience and time spent on welfare.

IV. ESTIMATION RESULTS

Tables 2 through 4 provide evidence of human capital depreciation as a result of welfare participation. Following the same wage change approach adopted by Corcoran et al. (1983), I take the first and last wage observations over the 20 years before 1993 for each woman as the two observation years, and then calculate the differences in wages, work experience, and time on welfare between the two observation years. Conditional on working more than 1,200 hours a year, 77 percent of the sample (1065 out of 1378) has two wage observations during 1973 to 1992. A wage change is not available, therefore, for the rest 23 percent of the sample who either did not work or worked for only one year over the sample years. If selection of the working individuals is not randomly drawn from the wage distribution, then including only the 1065 women who have two wage observations in regression will cause biased estimates.

The problem of missing dependent variables for some of the sampled women is handled by Heckman's two-step method. In the first-step regression which estimates a selection probit, the explanatory variables should be those affecting the selection process of work but not affecting the potential wage once one works. The variables I use in this regression include personal characteristics (number of children, age of youngest child, and nonlabor income excluding welfare benefits) and state characteristics (AFDC maximum benefits and unemployment rate) in the 1991 values.

As indicated in Table 2, a female's wage rate decreases by 2.99 to 3.79 percent per year when she participates in AFDC, depending on whether the regression controls for her age at the last wage observation. Return to one year of work ranges from 2.02 to 3.67 percent. Therefore, when a welfare recipient withdraws from the labor market, her wage rate will be 5.81 to 6.66 percent lower than her counterparts because the recipient not only loses the return to work but also experiences depreciation in her human capital. The results from Heckman's two-step method, as listed in columns (3) and (4), suggest the same conclusion.

To test the human capital depreciation hypothesis more closely, I further distinguish between recent and past welfare participation, and between welfare participation and labor market withdrawal. The estimation results of these specifications are presented in Table 3. To distinguish the recent effect from the past one, the number of years on AFDC is multiplied by a dummy variable indicating whether the woman participated in welfare during the five years prior to her last year of labor market participation over the sample period. Fifty-five percent of the women who had welfare spells between their two wage observation years participated in the program during the five years before their last wages were available. As shown in column (1) of Table 3, AFDC participation within the previous five years causes a much larger adverse effect on current wages than participation at least five years earlier. In fact, the coefficient of past experience is not statistically significant. The null hypothesis of equal coefficients between -0.0309 and -0.0168 is rejected, suggesting a significant difference between the recent and past effects. In other words, the human capital depreciation that welfare participation induces does become smaller and statistically insignificant over time.

In column (1) of Table 3, the regression includes an additional variable: the number of years when a woman does not work and does not participate in welfare. The coefficient of this variable indicates the human capital depreciation rate created by labor market withdrawal, i.e., *d* in equation (2). The magnitude, 0.0158, is smaller than the human capital depreciation associated with welfare participation. Two possible explanations are available to explain this result. First, labor market withdrawal without welfare participation may take place earlier than welfare participation, so the coefficient of labor market withdrawal picks up a long-run effect and thus is less prominent. Second, welfare participation may be associated with labor market discrimination or some personal restrictions on employment, so welfare participants experience a larger reduction in wages than nonparticipants when returning to the labor market. While testing the second explanation requires further study, this paper examines the first explanation in more detail.

First, I find that among women who experienced no work and no AFDC participation between the two wage observation years, 60 percent experienced this during the five years before their last wage observation years. That is, the experience of no work and no welfare participation is not particularly distant for these women. I then deal with the timing issue in the same approach as I did for welfare participation, that is, I interact the years of no work and no participation with a dummy variable that indicates the timing of the event. In particular, this dummy variable indicates whether the event occurs during the five years before a woman's last year of labor market participation in the sample period.

The estimation results are presented in column (2). Again, I find that the long-term effect of labor market withdrawal is not significant, but labor market withdrawal during the past five years decreases the wage rate by about 2.3 percent per year. This short-run effect is still one percentage point smaller than the short-run depreciation effect of welfare receipt, which is 3.3 percent. However, a χ^2 test cannot reject the hypothesis that these two coefficients are the same with a significant level 43 percent.

Table 3. Wage difference equations II

	(1)	(2)	Heckman's two-step method (3)	(4)
Years on AFDC between two observation years * dummy for participation during the past five years	-0.0309 (0.0115)	-0.0331 (0.0115)	-0.0316 (0.0115)	-0.0338 (0.0115)
Years on AFDC between two observation years * dummy for participation at least five years ago	-0.0168 (0.0196)	-0.0172 (0.0195)	-0.0166 (0.0196)	-0.0171 (0.0195)
Years of work and no AFDC participation between two observation years	0.0336 (0.0055)	0.0305 (0.0056)	0.0340 (0.0055)	0.0310 (0.0056)
Years of no work and no AFDC participation between two observation years	-0.0159 (0.0080)		-0.0149 (0.0081)	
Years of no work and no AFDC participation between two observation years * dummy for recent five years		-0.0228 (0.0086)		-0.0218 (0.0085)
Years of no work and no AFDC participation between two observation years * dummy for more than five years ago		0.0211 (0.0156)		0.0219 (0.0156)
Age at last wage observation	-0.0149 (0.0035)	-0.0146 (0.0035)	-0.0124 (0.0042)	-0.0121 (0.0042)
Lambda			0.1795 (0.1609)	0.1807 (0.1616)
Constant	0.5683 (0.1039)	0.5705 (0.1037)	0.4103 (0.1760)	0.4109 (0.1767)
Sample size	1065	1065	1065	1065

Note: Standard errors are in parentheses.

In Table 4, I divide the years between the two wage-observation years into four exclusive categories: welfare and no work, welfare and work, no welfare and work, and no welfare and no work. One year of work and no welfare participation increases the wage rate by about 3.5 percent as suggested in columns (2) and (4). Moreover, a combination of work and welfare participation during a year does not significantly improve women's wage rates, but neither does it significantly reduce the wages. As the PSID surveys AFDC receipt and hours of work on an annual basis, a combination of work and welfare participation in one year implies a comparatively short stay on AFDC in that year. As a result, the positive effect of work on wages and the negative effect of welfare participation cancel each other out, making the coefficient insignificant.

Coefficients in Table 4 are somewhat sensitive to the inclusion of the age at the last wage observation as an additional explanatory variable. The depreciation effect of welfare participation is 2.2 percent in column (2), slightly smaller than the 3 percent in column (1). Nevertheless, in all columns the depreciation effect associated with welfare participation and no work is larger than the depreciation effect associated with labor market withdrawal. When a test of equal coefficients is performed, however, the hypothesis is not rejected in all the four columns, suggesting that there is no significant difference between these two depreciation effects.

The findings in this section support the hypothesis that a female's human capital depreciates during her stay on welfare. This empirical evidence can explain why the rate of wage growth among welfare recipients is so small as found by Burtless (1995). Although previous literature finds that most welfare recipients combine work and program participation to make ends meet (Pavetti (1993), Edin and Lein (1997)), and indeed, 46 percent of the welfare participants in my sample worked sometime during the years of their benefit receipt, constant movements between work and program participation do not lead to much wage gain. As shown in this section, working more than 1,200 hours in a year increases women's wage rates by about 3.5 percent, but one year of welfare participation sets back their wages by 2.20 to 3.16 percent. Since welfare recipients are likely to have low starting wages, it is not surprising to learn that some women become long-term welfare recipients as their wages seldom increase enough for them to stay off welfare for a long time.

V. CONCLUSION

This paper shows that welfare participation has an adverse effect on women's wage rates when recipients spend time on welfare without participating in the labor market. The overall empirical findings suggest that work experience increases wage rates by about 3.5 percent per year, and welfare participation decreases wage rates by about 2.2 to 3.2 percent per year. Therefore, a woman who receives welfare and does not work at the same time could have a wage 5 to 6 percent lower than her counterpart who works continuously for a year. However, the wage reduction effect becomes statistically insignificant when recipients work during welfare participation or when they are off welfare for more than five years.

I also find that welfare participation results in a larger depreciation effect than the labor market withdrawal with no receipt of welfare. In particular, the coefficient that measures the wage reduction effect of AFDC participation is about 1 percentage point higher, in an absolute value, than that measures the effect of labor market withdrawal. Although statistical test results suggest that these two depreciation effects are not significantly different, it is worth further study to determine whether there are employment restrictions and labor market discrimination that cause the lower wages for welfare recipients who return to the labor market.

These estimation results have several policy implications concerning a welfare recipient's transition from welfare to work. As the empirical findings suggest that a combination of work and welfare receipt does not depreciate human capital, the work requirement as a condition for benefit takeup under the current welfare law is expected to prevent welfare recipients' human capital from depreciation. Thus some recipients can get back on their feet and leave welfare. However, this study does not suggest such an optimistic outcome for ex-

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ery welfare recipient. As one year of work experience increases women's wage rates by only 3.5 percent on average, we can expect that as the time limit on welfare expires, many recipients are going to be forced off welfare while they are not ready to do so.

This will be especially the case for those with little human capital when entering the welfare program. Edin and Lein (1997) study the expenditures and incomes of some poor female-headed households, and conclude that these women need at least an $8 hourly wage to make ends meet. This seems an unrealistic figure for a welfare participant who earns the minimum wage from a workfare job during her two years on the TANF program. The work requirement, therefore, is merely a passive means to keep welfare recipients' wages from further reduction. For those who do not have much human capital to begin with, achieving self sufficiency through work under the current welfare system is definitely a distant goal.

Table 4. Wage difference equations III

			Heckman's two-step method	
	(1)	(2)	(3)	(4)
Years of AFDC participation and no work between two observation years	-0.0309 (0.0139)	-0.0220 (0.0140)	-0.0277 (0.0138)	-0.0220 (0.0139)
Years of work and AFDC participation between two observation years	-0.0325 (0.0237)	-0.0153 (0.0239)	-0.0294 (0.0238)	-0.0168 (0.0239)
Years of work and no AFDC participation between two observation years	0.0191 (0.0040)	0.0345 (0.0055)	0.0262 (0.0046)	0.0349 (0.0055)
Years of no work and no AFDC participation between two observation years	-0.0256 (0.0075)	-0.0137 (0.0080)	-0.0188 (0.0079)	-0.0128 (0.0080)
Age at last wage observation		0.0145 (0.0035)		-0.0122 (0.0042)
Lambda		-	0.4146 (0.1403)	0.1696 (0.1610)
Constant	0.1709 (0.0464)	0.5487 (0.1038)	-0.0465 (0.0871)	0.3988 (0.1763)
Sample size	1065	1065	1065	1065

Note: Standard errors are in parentheses.

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HEALTH & WELL-BEING

LEGAL ADVOCACY AND THE EXPERIENCES OF BATTERED WOMEN WHO SEEK ORDERS OF PROTECTION

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DESCRIPTION OF RESEARCH

Much of the existing literature on Orders of Protection (OPs) focuses on their effectiveness as a deterrent to an abuser's violence and as a tool for law enforcement and court intervention and response. There has been very little research exploring how the process of obtaining an Order of Protection affects the sense of well being and autonomy of the women who seek them. What little research has been done on this issue suggests that a positive court experience in which court personnel affirm a woman's right not to be abused may increase her sense of power and control over her life by symbolically reinforcing her own "voice." By the same token, a negative experience may undermine her sense of power and control. Although the main objective of an OP is to insure that the abuser stays away from the abused and does not contact or threaten her, an OP can also award custody of children, visitation arrangements, child support payments and property distribution. Thus a positive court experience also may give an abused woman the means she needs to take control of her life.

In order to ascertain the impact that seeking an Order of Protection may have on the women involved, this research project is investigating: (1) the ways in which the legal process of obtaining an Order of Protection in St. Louis City and County does and does not meet the needs and expectations of female victims of domestic violence, (2) the impact that legal advocacy services has on women's experiences during this process, and (3) whether legal advocacy promotes the autonomy of battered women. The researchers are collecting ethnographic data on women who have applied for and obtained OPs in order to answer the following questions: 1) What do women hope to gain from obtaining an OP? 2) What are women's expectations regarding how to obtain an OP? 3) How do women feel about the experiences they had with the courts and legal personnel while seeking an OP? 4) How do legal advocacy services affect women's experiences in the courts? 5) To what extent do legal advocacy services promote outcomes that match women's expectations and perceived needs?

The researchers hope that their study ultimately will improve battered women's abilities to express their points of view in the legal system and their abilities to secure OPs. Findings from this study could have an impact on the administration of justice by helping family court personnel and attorneys better understand the needs of battered women seeking OPs and develop procedures to ensure that those women have the opportunity to articulate what provisions they need in the OP. The study also should enable courts to decide whether to incorporate or increase the role of legal advocacy services and provide invaluable information for social service providers and others involved in developing or extending legal advocacy services.

Moreover, the researchers are interested in whether legal advocacy promotes the autonomy of battered women who are seeking OPs. Autonomy encompasses living in a way that is guided by one's own values, free of coercion. For someone involved in an abusive intimate relationship, her autonomy will be furthered if she is enabled to communicate her point of view to supportive others and gain access to resources that will help her to secure her own safety. Preliminary findings suggest that women feel vindicated when the judge, an authority figure, acknowledges their abuse by issuing the Order of Protection.

There are two steps to obtaining an Order of Protection in Missouri. First, the victim must file a petition for an *ex parte* ("without the party") OP in the court in the jurisdiction where she lives, where her abuser lives, or where the abuse occurred. The *ex parte* OP typically orders the abuser to stop abusing or threatening to abuse the petitioner, to stay away from her and may even award the victim temporary custody of minor children. The ex parte Order is usually valid for two weeks. The second step requires going to court for a hearing to receive the full Order of Protection which is in effect for six months (and can be renewed twice). At the hearing, the petitioner must convince the judge, with a preponderance of evidence, that the respondent, based on past threats or behavior, does pose a credible future threat.

Two organizations in the St. Louis area, Legal Advocates for Abused Women and Lasting Solutions of Legal Services of Eastern Missouri, provide attorneys free of charge at full order hearings. Many shelters also have advocates on staff who, although not attorneys, can accompany a woman to court and prepare her for what to expect during the proceedings. To expedite the process, the advocate may help the victim complete any paperwork before arriving at court. The advocate can review the victim's story with her while reminding her to keep to the facts, be specific and clearly articulate her needs to the judge.

This research was initially conceived as a qualitative study; the researchers would conduct interviews, focus groups, observations, and analyze documents and hearing transcripts in order to gather descriptive data about women's experiences obtaining an OP. However, very recently the researchers have agreed to an informal association with the St. Louis Court Watch Program, which is sponsored by the Missouri Coalition Against Domestic Violence. The court watch component of the study will provide quantitative data concerning actual court practices gathered by volunteers who observe in an array of local courtrooms and jurisdictions. Along with trying to quantify the women's experiences in applying for an OP, the Court Watch volunteers will be observing how the women are treated during the process, e.g., do judges treat women, men or people with attorneys differently, and do judges award the needed essentials in the OP. The quantitative data will complement the qualitative component and enhance data interpretation.

METHODOLOGY

The research is in its preliminary stage. The researchers have held focus group sessions with women who have sought OPs and have held a separate focus group with legal advocates from some local battered women's shelters. The questions for the focus group sessions were general and brief to allow for dialogue between the abused women and to enable them to freely tell their stories: 1) What led you to apply for the Order of Protection? What else had you tried to do? Was there any person or event that made a difference? 2) What was your experience applying for the OP? What was the process like for you? 3) Was there anything you'd like to see done differently? 4) How do you feel about having applied for or gotten the OP? The questions for the shelter legal advocates were designed to encompass four categories relating to applying for and obtaining the OP: interaction with the courthouse clerks, communication with one's attorney or legal advocate, the courtroom experience and law enforcement response. The information gleaned from these sessions has given the researchers an overview of the process of obtaining an OP from the point of view of the women as well as ideas concerning the aspects of the process the women perceive as helpful or as problematic. Findings from the preliminary work have identified a set of issues and problems, some of which the researchers will then investigate in greater depth in a second phase of the study.

PRELIMINARY FINDINGS

The focus groups generated four potential topic areas relating to the process of obtaining an OP: (1) women's lack of access to information concerning the process of obtaining an OP, (2) women's safety in the courthouse, (3) uneven enforcement of OPs after women have obtained them, (4) and the increasing use of Consent OPs in local jurisdictions. Although the legal advocates from the shelters sometimes had a slightly different perspective on the problematic areas (largely because they had been to court more frequently than any of the individual women seeking OPs), both groups found the experience to be daunting and intimidating for the following reasons:

- Access to information. The women applying for OPs often did not receive complete information from their attorneys, court clerks and even judges explaining what was involved in the process of obtaining an OP. Courthouse clerks did not always have a clear understanding of the law and often gave incorrect or incomplete information over the telephone or in person. In consultation, attorneys and judges informally may make decisions for the woman without giving her the choice of a court hearing. Women coming to court without an attorney may be at a disadvantage because the judge prefers communicating with an attorney. More important, since the majority of women appearing in court are unrepresented, they do not know what they are entitled to ask for in the OP, such as possession of certain property.
- Safety in the courthouse. Often there is an insufficient number of visible law enforcement personnel (sheriffs' deputies or bailiffs) in the courthouse to make the woman feel protected from her abuser. After the hearing, rarely is there any protection for the victim as she leaves the courthouse and walks to her car.
- Uneven law enforcement. The women who had previously obtained an OP experienced slow response and, at times, indifference from the police officers charged with enforcing them, so they were reluctant to go through with the process again.
- Consent OPs. Judges in St. Louis City and particularly St. Louis County, in order to move the docket more efficiently, may be reluctant to hold Order of Protection hearings because they require more time than informal discussions with the parties. Therefore most OP's issued are Consent Orders, an agreement by both parties that orders the abuser to stay away from the woman, but does not find him guilty of abuse nor entail admission of guilt by the respondent. Both parties are only agreeing to the terms included within the order. Unlike the process for obtaining a full OP, the Consent OP does not require a hearing.
- Having incomplete and inaccurate information as well as being pressured to agree to a Consent OP in effect takes power and control over the process of obtaining an OP away from the woman. She may benefit from court affirmation of her abuse as well as need to be assured that she is granted all the provisions to which she is entitled in an Order of Protection. Moreover, in terms of public policy, the Consent Order in Missouri is now considered by many advocates for battered women to be on shaky legal ground because of a recent legal challenge arguing that an OP issued without a hearing is invalid.

SECONDARY PHASE

During this phase the researchers will continue the focus group interviews, but will concentrate on determining if the information garnered from the focus groups corresponds to that gathered from court observers. Moreover the researchers will be able to examine some complementary issues derived from the preliminary data, e.g., an analysis of the provisions a judge actually includes in the Order of Protection, whether child care and a supervised visitation center are needed in the courthouse or nearby and ensuring that all jurisdictions use standard and "user-friendly" forms. Coordinating the research with some member agencies of the Missouri Coalition Against Domestic Violence will not only add to the credibility of the data; it will give the researchers a vehicle through which to implement public policy on a statewide basis.

TURNING ON ITS HEAD: WOMEN AND VIOLENCE IN CANADA

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ABSTRACT

After many years of its being ignored or being treated as the subject of humour, ten or fifteen years ago the Canadian legal system began to treat violence against women more seriously, a concern reflected in society at large. Following their success in having certain responses adopted, feminists then embarked on a critiques of these responses primarily because they had been implemented in a gendered and racist framework. Other critics, including feminists, expressed concern about treating women as victims. A blueprint for the future for eliminating domestic violence against women must involve a reconfiguration of some of these responses and recognition of the relationship between domestic violence and women's economic inequality and of the risks in "rewarding" women for being "victims." In some contexts, domestic violence now serves to measure the "value" of women's entitlement to societal benefits.

PERSPECTIVES ON THE PAST

Despite claims of equivalent levels of "husband abuse," that domestic violence is something women experience more than men do — and at the hands of men most often — is widely acknowledged. Since the initial recognition of the scope of the problem in the late nineteen seventies and early eighties, responses in many jurisdictions have included enhanced criminalization and multi-agency responses, including giving abused women a priority for benefits such as housing,[4] woman-centred shelters, the creation of family violence courts, counselling for victims, perpetrators and their children, training of persons involved in responding to domestic violence, responses to post-separation violence, study after study about the degree or impact of domestic violence in particular contexts,[7] dissemination of plain language information,[8] recognition that women in different communities have different responses to and needs around domestic violence, changes in the law of self defence, and specifically directed remedies seek to assist the victim to stay in the home.

While there has been, consistent with the principles underlying the criminal law system generally, an emphasis in the mainstream system on conviction and punishment, many Aboriginal communities prefer to reconcile the offender with the community and native values as part of the community's own need to return to its pre-conquest values.

As we look back, it seemed that once the seriousness of wife abuse were known, we were sure that it could be prevented: that has not happened and we have had to consider why. The fault, it is said, lies in a failure to enforce the tools already at our disposal. We have also learned that the obvious answers come with complexities attached, as was the case with mandatory charging: women in certain ethnic communities which had particularly poor relations with the police would not call the police; reluctant women were forced to testify, even to the extent of putting them in prison, and it was applied to women whose batterers claimed they had struck *them*. Furthermore, the point that domestic assault is as serious as stranger assault having been made, the emphasis must turn to acknowledging that wife assault differs fundamentally from stranger assault, most compellingly in that it is situated within an important and complex relationship.

BLUEPRINT FOR THE FUTURE

From being almost ignored, female partner abuse has become the flavour of the month in issues and Canadian jurisdictions are falling over one another in their attempts "to do the right thing." Despite all their efforts, however, the problem continues without much abatement. Any "blueprint for the future" must obviously address those areas where the impact of domestic violence has not yet been taken sufficiently into account; equally important, however, we must face some of the apparently contradictory stances in which now find ourselves.

Notwithstanding the focus on domestic violence, it is rarely placed in the context of the "big picture" of women's inequality – specifically their economic subordination. Yet as a result of a turn to the right in Canada, there are fewer initiatives in this regard than there were a few years ago. For example, the Government Ontario has announced the establishment of a family violence court and in 1995 it enacted a *Victims' Bill of Rights Act*. Yet the same government has reduced access to pay equity and eliminated employment equity legislation, both of which would have bettered the economic situation of women. New Brunswick put in place a domestic legal system for abused women (following a period of being the only province in Canada with no civil legal aid), but has the lowest minimum wage in the Canada and the lowest average wage for women (and men, for that matter) in the country. Economic equality would substantively and psychologically change the nature of the relationship between men and women (although I emphasize that this is a 'systemic' relationship to which I refer, not necessarily an individual one and one that ultimately also be coupled with an end to the reliance of women on men's approval).

Economic reliance and need for approval contribute to the phenomenon of women's reluctance to leave a violent relationship. The reasons for this are many: the woman still loves her husband or boyfriend; she attributes his violence to a particular problem he is facing or to the fact that he was drunk at the time; she believes him when he says that he is sorry and it will not happen again; she believes him when he threatens worse treatment to her or to their children if she leaves (although it is worth noting that women finally do leave when the children are threatened); she is ashamed and does not want to admit this has happened to her; she believes she deserves it and if she behaved better it would not happen, because her only model growing up involved violence, she does not know that this is not how relationships are supposed to be; she cannot afford to leave with her children because she is reliant economically on her spouse; she lives in a community which believes it is more important to maintain the family than to ensure her safety or that it is inappropriate to discuss one's marriage with a stranger; fear of deportation; or fear of authority. Many women leave many times before they leave forever; they call the police often before they are willing to testify against their abuser.

At one time, commentators dismissed allegations of abuse on the basis that if a woman were really being abused as she claimed, she would leave; reluctance to leave then grounded abused wife syndrome which, after initial praise, is now criticized because it medicalizes women and emphasises their victim status. This portrayal of women is ultimately not satisfying; it feeds into the perception that women are weak and helpless and are victims — in short, it denies them "agency." Thus some feminists have more recently framed women's decisions to stay in the relationship as a form of agency, attempts to end the violence and maintain the relationship. In other words, from explaining why women do not leave and using these reasons as a justification for abused women killing their abusers, not leaving is now being treated as a strength, a choice. It is said that the women are in the best position to assess how the man will behave, whether the violence will escalate. There is nothing to say that it might not be both, of course.

On this issue, however, it is hard to avoid the conclusion that we are getting into a quagmire: women do not leave because they cannot, women do not leave because they have made a choice not to do so: the first may be driven to kill their abusive partners, the second leaves herself vulnerable to being killed. A decision to stay requires a great deal of support and real understanding about the nature of domestic abuse by friends and family who might be involved in supporting her decision. This is, I believe, a serious dilemma and one for which I do not have a solution. I am fearful, however, that if we are too ready to characterize not leaving "agency" because this makes us feel better about women who continue to live in abusive situations, we may be coming close to condoning that which we put so much effort into condemning.

From the opposite perspective, the emphasis placed on domestic abuse has led in some cases to using the experience of domestic assault as the only or primary eligibility criterion for public benefits. This is the case for the receipt of legal aid in New Brunswick, as well as in Prince Edward Island, Saskatchewan and Nova Scotia. Although the reason behind this restriction of eligibility may be well-meaning, the distribution of "scarce resources" to the women who have the greatest need, it nevertheless has implications for which women are viewed as deserving of public benefits. In the context of legal aid, it means, in effect, which women deserve to be supported in their decision to end their family relationship: women who are required to portray themselves as victims. More cynically, one might conclude that the identification of the experience of domestic assault as the only criterion for legal aid permits governments to appear virtuous even while offering a limited legal aid plan.

Women who have experienced domestic abuse should have a priority in obtaining legal aid: they are physically endangered and need appropriate access to the assets to which they are entitled, stabilizing of custody of their children and other legal rights. It is analogous to granting a priority for socially assisted housing to women who have left an abusive relationship as well as providing access to other necessary support systems. But using domestic abuse as the only criterion of eligibility leaves women who have not been abused without adequate access to law if they cannot afford a lawyer. The resistance by the state to providing public means to enforce private based rights is a reminder that it is still hard for women to act autonomously in relation to the family, their "proper sphere."

In this there is an echo of other characterizations and categorizations of women: the good or deserving woman versus the bad or undeserving woman. Women who satisfy the authorities that they have "demonstrated the womanly virtues of patience and forbearance," who, in a sense, have learned to put up with the abuse, are reinforced. A woman must be prepared to define herself by her abuse: this becomes the most important part of her marital experience and she has no claim to autonomy outside her status as a victim of assault. She must learn the appropriate language which will satisfy the abuse criterion, regardless of how she experiences it herself.

The most successful batterer will convince his victim that she deserves what she gets: a woman seeking to remove herself from the relationship (for whatever reason she gives) will be reluctant to admit that she behaved badly or that she deserved the treatment she received: she is being asked to communicate her own "badness," or, indeed, if she deserved the treatment, how could it be "abuse"? The use of violence in the marital relationship is exactly the thing that makes it difficult for women to identify themselves as abused: it communicates a message to women about their proper place; the abuse criterion requires them to admit that they have been put in their proper place. It provides an incentive for them to do so.

CONCLUSION

While the extent of wife assault has been acknowledged for the last fifteen years, at least, and governments have responded by establishing a wide range of responsive and preventative programs, the incidence of abuse remains high and fundamental problems remain unresolved. One reason for this is the continued failure to locate domestic abuse within the systemic inequality still experienced by women. On the other hand, the focus on domestic abuse, although understandable, has left women vulnerable to being stereotyped as victims. Future policies must concentrate on programs to encourage women to act out of their strengths and not out of perceived weaknesses which perpetuate their systemic subordination.

ENDNOTES

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Nicholas M.C. Bala, *et al.*, *Spousal Violence in Custody and Access Disputes: Recommendations for Reform* (March 1998), 120. Also see the Alberta statistics: *Wife Abuse* (Office for the Prevention of Family Violence, 1996) (citing statistics compiled by the Alberta Department of Justice: http://www.acjnet.org/docs/wifabuga.html) and the Manitoba statistics: E. Jane Ursel, "The Family Violence Court of Winnipeg" (1992) *Manitoba L.J.* 101, 109.

Strategies for Confronting Domestic Violence: A Resource Manual (United Nations, June 1993) summarizes approaches in a wide range of countries and indicates the similarity of the approaches despite differences among the countries; there are also differences, of course, and the paper direction may not be accompanied by the necessary action by those required to carry out the plans nor are the approaches always available to all women for a variety of reasons, including religion, poverty or cultural heritage. A detailed examination of a single case which shows the impact of the failure to follow policies is found in Perry W. Schulman, *A Study of Domestic Violence and the Justice System in Manitoba* (Report of the Commission of Inquiry into the deaths of Rhonda Lavoie and Roy Lavoie, June 27, 1997).

A precise list of arguments for and against "criminalization" of wife abuse can be found in *Strategies for Confronting Domestic Violence*, *ibid.*, 13-14.

Ontario Government Website, http://www.gov.on.ca/MBS/english/programs/MAH0150.html. Also see "Special Priority Placement Policy and Procedures for Victims of Domestic Violence," Manitoba Housing, Appendix A to *Stop the Violence: A resource guide for service providers on the provincial and programs aimed at combating domestic violence* (Manitoba Justice/Manitoba Women's Directorate).

For the history of the first family violence court, see E. Jane Ursel, "The Family Violence Court of Winnipeg," *supra* note 1; also see Ursel, *Final Report: Year 1* (Criminology Research Centre, Department of Sociology, University of Manitoba, 1993). Ontario recently announced that it was establishing an additional domestic violence court: News Release, Ontario Ministry of the Attorney General, March 23, 1998.

Treatment for batters has always been controversial, particularly because of doubts about its success, the focus on the individual and the fear that resources will be diverted from victims: see Karen Myers, *An Overview of Corrections Research and development Projects on Family Violence* (Solicitor General of Canada, March 1996), 3, 39.

An Act to amend the Criminal Code (child prostitution, child sex tourism, criminal harassment and female genital mutilation) S.C. 1997, c.16: "those individuals who commit murder while stalking their victim will be convicted of first degree murder when they intended to make the victim fear for her safety or the safety of others."

Five family violence research centres were established across Canada in 1992, initially for a five year period, using federal and provincial money.

For example, see *What is Woman Abuse?* (Public Legal Education and Information Service of New Brunswick); *A guide to the Law for Battered Women* (Public Legal Education Association of Saskatchewan, 1995); *A guide to the Law Regarding Domestic Abuse and Your Legal Rights in Alberta* (University of Alberta Law Students' Student Legal Services of Edmonton). These publications are all available on the Internet at http://www.acjnet.org/docs.html. The Metro Toronto Committee

Against Wife Assault prints a *Guide for Assaulted Women* in 18 languages. Much of the information has been criticized as misleading women by failing to point out that they are at greater risk when they leave a relationship and that the police may not believe them. Dianne L. Martin and Janet E. Mosher, "Unkept Promises: Experiences of Immigrant Women With the Neo-Criminalization of Wife Abuse" (1995) 8 *C.J.W.L./R.F.D.* 3, 42 fn 93.

[10] See, for example *What is Woman Abuse? Ibid.* On the vulnerable situation of the sponsored woman immigrant who is abused, see "Immigrant and Refugee Women Vulnerable to Abuse," brief prepared by the Metro Toronto Committee Against Wife Assault (Website: http://www.web.net/~mtcawa/mtcmain1.html). MTCAWA's recommendation is that sponsorship be abolished with respect to a woman who immigrates after her husband.

[11] The Supreme Court of Canada ruled that evidence of abused spouse syndrome should be admitted to support a plea of self-defence when the accused has killed her abusive spouse in *R. v. Lavallee*, [1990] 1 S.C.R. 852.

[12] See, for example, *The Saskatchewan Victims of Domestic Violence Act*, S.S. 1994, c. V-6.02. Prince Edward Island has also enacted similar legislation: *Victims of Family Violence Act*, S.P.E.I., C-48?. A plain language pamphlet explains the major provisions of the Act. Community Legal Information Association of Prince Edward Island Inc., *Islanders' Guide to the Victims of Family Violence Act* (March 1997).

[13] For a concise statement of the issues involved, see Myers, *supra* note 6, 14-15. Also see *Family Violence in Aboriginal Communities: An Aboriginal Perspective* (National Clearinghouse on Family Violence, Health Canada, November 1996).

[14] *From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia* (Law Reform Commission of Nova Scotia, February 1995), iii. Also see Alberta Law Reform Institute, *Domestic Abuse: Toward an Effective Legal Response* (Report for Discussion No.15, June 1995), 44 and Alberta Law Reform Institute, *Protection Against Domestic Abuse* (Report No. 74, February 1997).

[15] See, for example, Patricia Hughes, "How Many Times a Victim?: *L. (A.) v. Saskatchewan (Crimes Compensation Board)* and *Pigeau v. Crowell*, P.C.J." (1995) 6 *C.J.W.L./R.F.D.* 502. *Pigeau v. Crowell* involved a woman who was imprisoned because she refused to testify against her husband after laying an information against him for assault. In the Manitoba Family Violence Court, the Crown may "testimony bargain" with a reluctant witness, indicating that a lower sentence might be asked for if she testifies. As a result, the accused may actually plead guilty knowing that the victim will testify. Ursel, *Final Report: Year 1*, *supra* note 8, 28.

[16] But see the judge who sentenced a man to less time for an assault because he committed it against his common law wife and not against a stranger: (1995) 6 *Family Violence Newsletter* (Alberta Justice) 3.

[17] Martin and Mosher, *supra* note 9, 33.

[18] Notably, reform is long overdue with respect to the part spousal violence plays in custody and access disputes; a particularly significant omission in the panoply of responses because although the family is the locus of the abuse, the subsidiary impact of the family violence on subsequent family relations has not received appropriate attention: cf. Melanie Rosnes, "The Invisibility of Male Violence in Canadian Child custody and access Decision Making" (1997) 14 *C.J.F.L.* 31, arguing that the issue is not taken adequately into account, and Lorenne M.G. Clark, "Wife Battery and Determinations of Custody and Access: A Comparison of U.S. and Canadian Findings" (1990) 22 *Ottawa L. Rev.* 691, suggesting that the issue is being taken into account more than it was. But also see, for example, section 78(3) of Ontario's *Children's Law Reform Act*, R.S.O. 1990, c. C.12: in assessing the ability of a person to act as a parent, the court is to take into consideration the fact that the person has committed violence against his or her spouse, among other persons.

[19] *Victims' Bill of Rights Act, 1995*, S.O. 1995, c.6, s.3(2) 1. It provides that assailants are liable in civil law for the emotional distress suffered by their victims and specifically states that a person who is the victim of spousal assault is presumed to have suffered emotional distress.

[20] *Domestic Violence and the Courts: Immigrant and visible minority perceptions* (Law Courts Education Society, British Columbia, 1995). Also see Myers, *supra* note 6, 11; specifically on Aboriginal women, see *ibid.*, 12.

[21] Martha R. Mahoney, "Victimization or Oppression? Women's Lives, Violence and Agency" in Martha Albertson Fineman and Roxanne Mykitiuk, eds., *The Public Nature of Private Violence: The Discovery of Domestic Abuse* (New York, N.Y.: Routledge, 1994) 59.

[22] In the Inquiry in the deaths of Rhonda Lavoie and Roy Lavoie in Manitoba, Commissioner Schulman noted that while Rhonda's friend was supportive of her, she did not know enough about domestic abuse to identify behaviours that were especially troublesome and constituted a warning and their families did not appreciate the nature of the behaviours they saw. Schulman, *supra* note 2, 111-113.

[23] I do not mean to address the point here, but I question whether the resources are as scarce as is claimed.

[24] Isabel Marcus, "Reframing 'Domestic Violence': Terrorism in the Home" in Albertson Fineman and Mykitiuk, eds., *supra* note 21, 11, 22. Marcus is referring to divorce in the first half of the nineteenth century in the United States.

THE POLICY IMPLICATIONS OF A PUBLIC HEALTH APPROACH TO VIOLENCE AGAINST WOMEN

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THE PUBLIC HEALTH APPROACH TO VIOLENCE

The goals of a public health approach emanate from "prevention science," or the systematic study of the precursors of dysfunction or health. These goals include improving the public health by identifying high-risk populations and introducing carefully designed interventions, aimed at reducing targeted problems (Cole et al., 1993; Saltzman & Johnson, 1996). The Centers for Disease Control and Prevention (CDCP) has been successful in efforts to combat disease over the last century and has increasingly turned its attention towards reducing the incidence of injury and violence. The increasing reality of homicide as a cause of death, the decline of past-fatal diseases and the emergence of child and spouse abuse as clearly recognized social problems are all factors linked to this shift in organizational focus, as well as organizational survival (Mercy & O'Carroll, 1988; Saltzman, 1997).

By the 1990s, a clear recognition of violence as a public health issue had emerged and the National Center for Injury Prevention and Control (NCIPC) had become a division within the CDCP, with established resources to address both violence against women and violence among youth. A major limitation in studying violence against women is the lack of current knowledge about prevalence. Because of this it is unclear what public health interventions would look like and at what level of structure they would operate. Critics contend a public health approach does not live up to its promises of prevention when it comes to necessary structural change, while proponents argue that a public health approach has the potential to transcend the limitations of current approaches towards health improvement and violence reduction (Freedman, 1995; Moore, 1993; Williams et al., 1996).

SETTING THE SOCIOLOGICAL FRAME

In order to critically *and* sociologically assess the implications of the emergence of a public health approach to violence we must draw on the work of medical sociologists, feminist analyses of violence against women, women's health advocates and researchers, and feminist criminologists. Feminist scholars across these fields agree that it is crucial to recognize that the definition, study, and resulting policies directed at social problems, such as violence against women, are socially constructed. Feminists must reflect on the history of the issue of violence against women and recognize that how the issue gets framed greatly influences the range and direction of proposed solutions (Dixon, 1995, 1997; Fine, 1993; Klein, 1997). As Heidi Bauer states, "[t]he development of frameworks within the health sector is influenced in part by the fields and social movements that have previously defined the issue (1995: 25)."

Understanding the sociological importance of violence against women as a public health issue requires placing this recent shift within the context of the historical movement to address violence against women. It also requires understanding the larger social, political, economic and cultural structures surrounding this newly defined health issue (Auerbach & Figert, 1995; Charmaz & Paterniti, 1998). Therefore, it is crucial to address several issues—the history of the issue of violence against women, the relationship between women, health and medicine, and key changes in the social and political-economic structure—when considering the potential impact of a public health approach to violence against women.

The History of Violence Against Women as a Social Problem

Prior to the 1960s there was an explicit denial of the issue of violence against women in academic, legal and social discourse. In the early 1970s, feminists began to organize and systematically address the issue by challenging the legal system for failing to protect women and by establishing shelters and providing services to battered women (Bart & Moran, 1993; Stalans & Lurigio, 1995). Feminist critiques of the legal system's inattention to the issue were bolstered by social science research showing that arrest deterred future battering. Today, the legal system has instituted mandatory arrest and prosecution strategies, court mandated treatment for batterers, and has reformed laws dealing with rape, stalking, battering and sexual harassment. Despite these changes, there is a growing consensus among feminists that legal approaches are unsatisfactory, if not counterproductive, in helping women to escape violence. Little research has been done to date verifying the usefulness of these policies, and the research which originally supported mandatory arrest has now come under attack (Bart & Moran, 1993; Ferraro, 1993; Mignon & Holmes).

Throughout the last few decades, feminist views of the issue as rooted in the structures of male dominance of women have been challenged and eroded by more politically neutral views, such as the family violence perspective. Bolstered by social science and medical research showing that family violence is sex symmetrical and that battered women suffer from masochistic personality disorders, there has been a continuing trend to prescribe individualized therapeutic solutions to the problem (Dobash & Dobash, 1992; Kurz, 1993). Clearly, the processes of defining violence against women as a social problem and developing policies to address it have been wrought with conflict and contradictions.

Women, Health & Medicine

During the 1970s feminists also began to mobilize around the issues of women's health, recognizing many ways in which women's health was ignored or harmed by conventional medicine and establishing women's health centers to counter these harms and educate women (Bell, 1995; Doyal, 1996). Although women's health issues have only emerged within the last few decades, historically there has always been governmental policy aimed at women in their roles as wives and mothers (Auerbach & Figert, 1995). Today, women's health centers have declined but advocates continue to push for the inclusion of women in medical research (Cotton, 1993; Shumaker & Smith, 1994), more access to healthcare and more comprehensive benefits, and more sensitivity on the part of healthcare providers to women's unique health issues. Despite these efforts, many women today, especially women of color, have limited access to health-care and suffer the ravages of a life circumscribed by poverty, exposure to environmental and workplace hazards, and overall neglect (Doyal, 1996; Joel, 1997).

A major contradiction in the treatment of women by the medical establishment can be seen in the juxtaposition of limited access and services for women with the reality of the overmedicalization of women's lives (Conrad, 1992; Levy, 1992). A list of female conditions which have been medicalized includes childbirth (Doyal, 1996; Shumaker & Smith, 1994), pregnancy (Levy, 1992), menstruation (Frigon, 1996), birth control (Bell, 1995; Heise, 1993), infertility (Conrad, 1992), menopause (Frigon, 1996; Levy, 1992), and obesity (Conrad, 1992). Women's life experiences are more likely to be understood as syndromes, including pre-menstrual syndrome (Johnson & Kandrack, 1995), battered women's syndrome (Frigon, 1995) and post-traumatic stress disorder (Dobash & Dobash, 1992; Goodman et al., 1993). Women undergo disproportionate surgical and pharmacological interventions in their lives (Ashton, 1991; Joel, 1997). In some developing nations, medical professionals now perform genital mutilations and virginity tests, arguing that their intervention is preferable to traditional procedures (Freedman, 1995).

Recently, new surgical interventions—surgical breast implants and cosmetic surgery, for example—have been used solely for aesthetic reasons (Davis, 1998; Rynbrandt & Kramer, 1995). The role of technology cannot be underestimated in this process of medicalization. It is likely that technological developments will lead to the continuing contradiction of disparate access and overmedicalization for women. Changes in the organizational structure of medicine, namely the increasing invasion and power of corporate interests and the declining power of individual physicians, will also impact the future of women's health (Conrad, 1992).

Growing Inequality & the Criminalization of the Poor

The United States now leads the industrialized nations on two counts: we have the highest child poverty rate and the highest incarceration rate of all industrialized nations. Structural changes in the organization of capitalism are eliminating the reality of a "living wage" for many Americans, while the social-welfare net is being dismantled. At the same time, new industries devoted primarily to the surveillance and the incarceration of illegal drug users have created huge increases in our male and female prison populations (Christie, 1994; Donzinger, 1996).

The war on poverty that ensued in the 1960s, has now been transformed into the war on the poor, the war on drugs and the war on crime (Chambliss, 1994). Women suffer disproportionately in these wars simply because they are more likely to be poor, and also because they suffer blame for the social problems thought to be associated with poverty. Just as the metaphor of immorality, violence, and poverty as an epidemic inspired the eugenics movement in the early part of the 19th century, the feminization of poverty and the association of race with poverty today are leading to similar concerns about the morality and reproductive capacities of minority women (Katz, 1995; Thomas, 1994).

The "Medico-Legal" Alliance: the Criminalization of Poor Women

The trends outlined above have combined to create unprecedented state intervention into the lives of poor women, especially those of color. Feminists are sounding the alarm about the flurry of recent legislative efforts to link women's welfare benefits to sterilization procedures, arguing that these measures are reminiscent of past sterilization abuses against women of color and violate moral principles of informed consent and reproductive autonomy (Blake, 1995; Heise, 1993). Despite these concerns, we appear to be entering into a "new era in state-sponsored reproductive control (Blake, 1996: 320)," enabled by the growth in reproductive technologies, such as Norplant.

Likewise, poor women are increasingly being held criminally accountable for engaging in behaviors thought to harm their fetus—especially the use of illegal substances—or for failing to submit to prenatal medical treatments. This represents a significant shift in legal and medical reasoning in that a woman's right to autonomy is now being discarded while the rights of the fetus have become paramount (Callahan & Knight, 1992). While women have historically been held accountable for child abuse, it is only recently that women have been legally subjected to child abuse statutes while pregnant (Stark & Flitcraft, 1994; Wise, 1995). Pregnant women who are drug-addicted and suffer from AIDS are perhaps the most stigmatized of all:

> *The maternal body has long been the container of social fears and fantasies. The HIV positive, crack addicted mother furnished a powerful amalgam of older imagery: the female body as dangerous and diseased, and poor women as immoral and irresponsible. And just as the welfare queen is seen as a "cheater" who sucks dry scarce social resources, so the pregnant addict or addicted mother is seen as undermining the health of the social body (Jetter et al., 1995: 112).*

Drug use among women, or the association with those who either use or sell illicit drugs, is also leading to their imprisonment in record numbers (Daly & Chesney-Lind, 1996). Women's health needs and the needs of their children suffer greatly as a result of the lack of medical resources and the conditions of imprisonment for women once incarcerated (Acoca, 1998).

Briefly, there are a few more examples of the "medico-legal alliance" noted by Johnson and Kandrack (1995). In particular, they use the term to refer to the use of PMS as a legal defense for women who commit violence, arguing that this represents the final stage in the medicalization of women's lives. Both PMS and BWS have been used to legally defend women's instances of violence, the former in the case of women who kill their infants and the latter in cases of intimate homicide. Although these arguments hold potential for the women involved, and for the recognition of battering as a problem, they are also problematic because they uphold very stereotypical notions about women's bodies, and they fail to work for women who don't fit the popular image of a battered woman (Frigon, 1996; Johnson & Kandrack, 1995). What all of these examples illustrate jointly is the ease with which women's bodies are construed as deviant, or criminal, and the increasing alliance between medical and legal systems in the criminalization of poor, minority women. From the earliest view of witches, to criminological theories of women's deviance, to the modern-day medical and psychiatric world-view, there has been a legacy of viewing women's bodies as inherently pathological, diseased, and in need of treatment (Frigon, 1995).

In summary, the increasingly complicated and technologically advanced medico-legal alliance, the worsening of social inequality, and the concomitant war on the poor have resulted in the expansion of social control apparatus. For some critics, our societal institutions have become steeped in the language of risk, surveillance and scientific management, which, while neutral at face value, belies fundamental changes in social life. These institutions, including medicine (Nettleton, 1996) and criminal justice (Feeley & Simon, 1992), are no longer concerned with questions of justice, equality, and health but rather operate to identify and manage unruly and threatening social groups. Women, because they, along with their children, continue to make up the majority of the poor, because they are seen as embodying deviance and subject to medicalization, and because they are held responsible for public morality continue to be managed and punished. Feminist efforts to bring about institutional change that affects women's lives have made inroads but reforms to date have been piecemeal and the grass-roots movements started in the 1970s have either dissipated or become institutionalized (Bart & Moran, 1993; Doyal, 1996). It is this context that a public health approach to violence against women, and violence among youth, has emerged. And it is within this context that we must consider the future policy implications of this approach.

POLICY IMPLICATIONS

Perhaps the most clear-cut policy implication of a public health to violence against women lies within the structure of a public health approach and its focus on research. A general strength of the public health approach is that it has as its goal the prevention of the targeted problem, therefore interventions are designed to reduce involved risk and evaluated on an on-going basis, allowing for the constant incorporation of new ideas and approaches. Policy suggestions are bound to flow from the process. And yet, when it comes to the issue of violence against women, the policy implications of this approach seem very unclear.

Clearly there will be a great deal of research conducted by the CDCP on this issue and this will contribute to the view that it is a serious social problem that needs to be addressed. But as critics contend, this research will likely rely on official data generated by our legal and medical systems and will continue to reflect current biases (Bart & Moran, 1993; Caulfield and Wonders, 1993). There is a growing recognition that violence against women is best conceptualized as a continuum of behaviors ranging from men's use of force to behaviors that threaten the use of force (Goodman et

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al. 1993; Sheffield, 1997). It is unclear whether the public health approach will recognize this continuum or rely on strictly legal definitions of the problem. Many women's health advocates have pointed out that simply researching women's issues or including *more* women physicians in the research process does not guarantee a feminist perspective. Likewise, it is unclear who will be determining the future research priorities of a public health approach and who will be able to receive funds earmarked for research: both issues with important political implications (Doyal, 1996; Shumaker & Smith, 1994). It also remains to be seen how this approach will influence the current level of funding available for providing services to battered women.

Although the public health approach and ensuing research will help to keep the issue of violence against women in public consciousness, the way that the issue is now being framed has several limitations for future policy. First of all, defining the problem as one of "violence against women" lends to the continuing construction of "the battered woman" and, secondly, implies that woman are essentially victims of violence. A public health approach must seek to explore the reality of violence for women across all of their differences and work to devise policy that recognizes these differences and takes them into account. Feminists are increasingly noting the limitations of research and policies that deny the differing experiences of violence and strategies that women use to cope with it in their lives (Dixon, 1997; Ferraro, 1997). The fact that violence against women and violence among youth are both targeted problems suggests that these issues are distinct from one another. This has numerous effects in that it distorts the reality of violence as a longstanding American value and the extent to which violence has permeated our social institutions (Caulfield & Wonders, 1993; McCaghy & Capron, 1994). It also obscures the connection between women's and children's lives and experiences and fails to identify men as a target population. By default, violence among men is normalized and defined as outside the parameters of the identified problems.

At the same time that the language used to describe the problem is constricting, there is also the reality that the language of a public health approach is very "loose." Terms such as "risk," "surveillance," and "target populations" appear scientifically neutral but there is the very real danger that the state will increase its control over the lives of women it is supposedly trying to help. For example, when one considers violence against women as a preventable medical problem with associated risk factors it is unclear exactly who the target population should be—men or women.[3] There is also the historical trend of poor women being stigmatized by public health campaigns because of their role as mothers and caretakers (Lupton, 1998). Feminist criminologists provide us with several cautious notes regarding the potential of the state to bring about social change for women. While feminists have pushed for equal treatment under the law, including equal protection from personal injury and violence, the effects of these reforms have been limited, and, in some cases, have hurt women (Daly & Chesney-Lind, 1996). Others argue that we must recognize that the state allows violence against women to occur by supporting institutions that promote violence and by failing to regulate industries that harm women (Caulfield & Wonders, 1993; Rynbrandt and Kramer, 1995). And we must continue to remain vigilant to the many ways in which women's lives are controlled by medical, psychiatric and welfare regulation in light of the continuing expansion of institutions of control and alliances among them (Frigon, 1996; Klein, 1997).

One troublesome implication of a public health approach to violence against women is the continuation of the medicalization of women's lives. Framing the issue of violence as a preventable disease has the effect of supporting the historical trend of viewing women's bodies as deviant and blaming women for social problems beyond their control. For some feminists, the most important consequence of the medicalization of women's lives is that it neutralizes women's ability to see the extent of their oppression and to organize and protest it collectively.

Considering that violence against women is one issue around which feminists have been able to form political coalitions, and that violence against women is considered to be a major factor in why patriarchy persists, it is more crucial than ever that we continue to acknowledge the structural determinants of the problem and its relationship to various forms of social inequality. We must not lose sight of the power structures (connected to issues of race, class and gender) in our society. And we must not lose sight of the needs of those for whom it is too late to prevent violence.

ENDNOTES

1 Robert Presley Center for Crime & Justice Studies and Department of Sociology, University of California, Riverside, CA. This paper was prepared for presentation at the 5th Annual Institute for Women's Policy Research Conference, July 12-13, 1998, Washington D.C.

2 See the following source for a history and discussion of the emergence of violence as a public health issue:

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FEMINISTS, FEMOCRATS AND INSTITUTIONS: EXPLAINING CROSS-NATIONAL VARIATION IN GOVERNMENT RESPONSE TO VIOLENCE AGAINST WOMEN

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INTRODUCTION

In this paper, I investigate why some stable democratic governments undertake comprehensive, strong initiatives to address violence against women while other governments do not even recognize the problem and therefore do nothing at all to address it. This is an important question for those concerned about violence against women. Knowing the best policy response to violence is useless unless we know how to get governments to adopt and effectively implement the best policies. Moreover, an understanding of the factors that facilitate or obstruct government response to violence against women should provide insight into why democratic governments are more or less responsive to women's perspectives and concerns. Thus, this issue offers a unique opportunity to assess the limits and strengths of competing theoretical explanations for cross-national policy variation as they apply to policies affecting the status of women.

Based on a preliminary analysis of a unique cross-national dataset on government response, I argue that variation in national policy is not explained by such seemingly common sense factors such as level of violence or cultural difference. Moreover, the usual explanations offered in the literature on government response to violence against women and on social policy more generally do not provide much insight into cross-national policy variation in this area. Neither proportion of women legislators nor level of development, for example, seem to explain much of the variation across countries. Rather, I propose, the strongest, most comprehensive policies to address violence against women are the product of partnerships between strong autonomous women's movements and influential feminists in government office. These partnerships appear to produce the most effective policies where there is a national government institution whose primary purpose is to promote the status of women.

VIOLENCE AGAINST WOMEN

Conceptually, violence against women is violence that women suffer as women, such as rape or wife beating, but not mugging. This broad conceptualization includes a variety of violations, including widow immolation, female genital mutilation, forced prostitution, incest, stalking, sexual harassment or "eve-teasing" and psychological harassment. In this study, however, I focus on the categories of sexual assault of women and battering of intimate female partners by males. Focusing on policies to address violence against women in general and on these two sub-categories should facilitate cross-national comparison, since the categories of violence against women, rape and wife beating are used by activist groups and governments in all the relevant countries. In addition, information on the incidence and activism around these two types of violence are more readily available and comparable cross-nationally than cross-national information on, say, sexual harassment or female genital mutilation.[1]

Sexual assault and domestic violence against women are serious problems in all stable democratic countries (see Appendix A). For example, surveys in Barbados (1993), Belgium (1989), Canada (1993), India (1990, 1993), Norway (1989), and the United States (1986), have found that roughly one quarter to one-third of women report being physically assaulted by an intimate partner. In 1993, Statistics Canada's Violence Against Women Survey found that 51% of women in Canada reported having experienced male violence, defined as physical or sexual assault considered an offense under the Criminal Code. Similarly, a survey of a random sample of 1000 women carried out in Belgium in 1987 and 1988 found that half the women interviewed were confronted with violence of one form or another: 14.9% had experienced only sexual violence, 21.3% had experienced physical violence only and 21.7% had experienced both forms of violence (Appendix A).

Although we need better information about level and extent of violence against women, there is sufficient data to establish that such violence is a serious public policy problem in all stable democracies (Appendix A). As governments and women's groups from 180 countries have affirmed, violence against women constitutes a violation of women's human rights (Nelson, 1996). Responsibility for protecting human rights is one of the primary, if not the primary, duties of democratic governments. Thus, addressing the problem of violence against women is a fundamental responsibility of democratic governments.

COMPARING GOVERNMENT RESPONSE

This study does not attempt to explain variance in violence against women itself, but rather, variance in government response to this problem. As I mentioned above, governments vary widely in terms of their response to violence against women, with some governments taking on a variety of measures before other countries do so, and some doing nothing. But how are we to compare or rank these diverse responses?

Despite the diversity of institutional arrangements and legal traditions in the countries considered here, a common standard can be developed to compare the comprehensiveness and progressiveness of national government response to violence against women based on the existing empirical literature about the problem of violence against women and the policy solutions that have been proposed and tried.

This literature suggests that the problem of violence against women is large scale and deeply rooted, not easily attributed to isolated factors such as alcohol use or mental illness (United States Department of Justice, Special Rapporteur's report to CEDAW). Effective government responses recognize the links between these different forms of violence as well as the underlying problem of male dominance. Government response to violence must attend to the immediate needs of victims, such as shelter, medical care, and protection from further abuse, as well as to long term, preventative efforts such as public education programs (Connors, 1989; Connors, 1994; Bunch, 1991; Davies, 1994; Dobash and Dobash, 1992; Heise, 1994; McCann, 1985; Office of Gender Equality (Japan), 1998a; Office of Gender Equality (Japan), 1998b; United Nations, 1993; Women's Affairs Division (Botswana), 1997). The wide range of policies required for an effective response suggests that a coordinating authority is in order, for example, ensuring that efforts to provide victim services are linked to law enforcement response to calls of distress.

Seven different aspects of national government response to violence against women (in particular sexual assault and wife battering) can be meaningfully observed for each country.

1) Has there been any legal reform aimed at dealing with domestic violence? In what year did this reform occur?
2) Has there been any legal reform aimed at dealing with sexual assault? In what year did this reform occur?
3) Are there any shelters or other forms of emergency housing provision for victims of domestic violence? Are they government-funded? In what year did government funding begin?
4) Are there any crisis centers for victims of sexual assault? Are they government-

Table 1: Stable Democracies, 1974 to 1994

Australia
Austria
Bahamas
Barbados
Belgium
Botswana
Canada
Colombia*
Costa Rica
Denmark
Finland
France
W. Germany
Greece
Iceland
India*
Ireland
Israel
Italy
Jamaica
Japan
Luxembourg*
Mauritius*
Nauru
Netherlands
New Zealand
Norway
Papua New Guinea*
Portugal*
Spain*
Sweden
Switzerland
Trinidad and Tobago
United Kingdom
United States
Venezuela*

Source: Freedom Review, Freedom House
** indicates that states were classified as partially free for less than three consecutive years.*

funded? In what year did government funding begin?

5) Are there any government sponsored programs providing training for service providers and other professionals dealing with violence against women, such as police, judges, social workers, and the like? In what year were these programs initiated?
6) Are there any government sponsored public education initiatives? In what years did these initiatives take place?
7) Is there a central agency for coordinating policies on violence against women? In what year was this agency established?[1]

These seven items are consistent with the main recommendations for national action developed at Beijing by the United Nations' Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and updated in Committee discussion of the reports of The United Nations' Special Rapporteur on Violence Against Women, Its Causes and Consequences (CEDAW, 1998, paras 26-44).

Based on the answers to the seven questions above, I am ranking national policy outcomes as better or worse based on their comprehensiveness (how many different areas it addresses) and their innovativeness among stable, democratic nations (was this government the first or the last to implement this policy?)(Putnam, 1993). This set of criteria provides an accurate picture of which governments are doing more to address this problem and which governments are lagging in the adoption of measures to address violence. These measures appear accurately to reflect the consensus of international experts as to which countries are aggressively, comprehensively attacking the problem at a national level and which countries have entered this policy arena later on and less comprehensively. For example, Canada and Australia have addressed more issues over the study period, and earlier, than any other country. Similarly, this measure identifies Costa Rica and Israel as leaders among developing countries.

Table 2: Number of Initiatives to Address Violence Against Women Adopted by Stable, Democratic Countries, 1974-1994

Country	*# of initiatives*	*Country*	*# of initiatives*	*Country*	*# of initiatives*
1974		**1984**		**1994**	
USA	2	France	4	Australia	7
Canada	1	Sweden	3	Canada	6
Australia	0	UK	3	USA	6
Austria	0	Australia	2	Costa Rica	5
Bahamas	0	Canada	2	France	5
Barbados	0	Denmark	2	Ireland	5
Belgium	0	India	2	Israel	5
Botswana	0	Israel	2	New Zealand	5
Colombia	0	Netherlands	2	Belgium	4
Costa Rica	0	New Zealand	2	India	4
Denmark	0	USA	2	Norway	4
Finland	0	Costa Rica	1	Sweden	4
France	0	Iceland	1	UK	4
Germany	0	Luxembourg	1	Austria	3
Greece	0	Spain	1	Bahamas	3
Iceland	0	Austria	0	Barbados	3
India	0	Bahamas	0	Colombia	3
Ireland	0	Barbados	0	Luxembourg	3
Israel	0	Belgium	0	Netherlands	3
Italy	0	Botswana	0	Spain	3
Jamaica	0	Colombia	0	Denmark	2
Japan	0	Finland	0	Finland	2
Luxembourg	0	Germany	0	Germany	2
Mauritius	0	Greece	0	Iceland	2
Nauru	0	Ireland	0	Portugal	2
Netherlands	0	Italy	0	Switzerland	2
New Zealand	0	Jamaica	0	Trinidad and Tobago	2
Norway	0	Japan	0	Greece	1
PNGuinea	0	Mauritius	0	Jamaica	1
Portugal	0	Nauru	0	Japan	1
Spain	0	Norway	0	Mauritius	1
Sweden	0	PNGuinea	0	PNGuinea	0
Switzerland	0	Portugal	0	Botswana	0
Trinidad and Tobago	0	Switzerland	0	Italy	0
UK	0	Trinidad and Tobago	0	Nauru	0
Venezuela	0	Venezuela	0	Venezuela	0

Source: Author's compilation of data.

In this study, I examine these seven aspects of national government response to violence against women over two decades (1974-1994) for all stable democracies.[2] I focus on national government response because even in very decentralized states national government action has important symbolic and practical consequences.

National policies were examined for all stable democracies. States must be stable democracies over this period to be counted in the study. I have used the Freedom House classification to identify democracies. States that were classified as "Free" continuously throughout the study were included. States that were classified as "Not Free" in any year in the study period were eliminated from the population. In addition, states that were "Free" for most of the study period but had a "blip" (less than three years) in which they were classified as "Partially Free" were also included.[4] Based on these decision rules, the total number of states in the study is 36. The states included in the study are listed in Table 1 below.

Data on government response are compiled from a variety of primary and secondary sources including published articles and studies of government response to violence against women (e.g. Heise, 1994; Heise et al, 1994; Elman, 1996; Busch, 1992; Connors, 1994; Davies, 1994; Beckwith, 1987; Mahon, 1995), shadow reports, committee conclusions and country reports to CEDAW (e.g. Women's Affairs Bureau (Botswana), 1997), United States Department of State Human Rights Reports (e.g. U.S. Department of State, 1996), Human Rights Watch reports (Human Rights Watch Women's Rights Project, 1995), and personal communications (telephone interviews, emails, faxes, and letters) with activists and government representatives in the countries concerned (e.g. Office of Gender Equality (Japan), 1998a). There are multiple sources for every country, and the sources for each country include at least one government source and one source independent of the national government.

SUMMARY OF VARIATION IN GOVERNMENT RESPONSE

In 1974, most democratic countries had not taken any action to address violence against women (Table 2). In 1994, the most typical government response was to adopt three of the seven policy initiatives. Only eight countries adopted five or more areas, making them the most responsive national governments. Canada and Australia had adopted the most comprehensive policies of all stable, democratic coun-

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tries, having adopted all seven of the policy measures identified above (although the rape shield law in Canada was struck down in the early nineties, and had not been reinstated until 1995, which is why Canada received a score of 6 in 1994). The United States had adopted six initiatives by 1994, and five other countries (Costa Rica, France, Ireland, Israel, and New Zealand) appeared to have adopted fairly comprehensive policies, addressing five areas by 1994.

Canada and Australia were also among the most progressive countries, having adopted many policy measures in the mid-eighties, while many other countries, such as Ireland and Austria, only began to deal with these issues in the 1990s. France was particularly progressive, having adopted four of the five policy measures by 1984. Sweden and the United Kingdom were also early to enact reforms. Although the US was one of the first national governments to respond to this problem, addressing two areas in 1974, no further policy development took place until 1994, when the government undertook four more initiatives.

At the other end of the spectrum, four countries still had not adopted even a single policy measure by 1994. They were Botswana, Italy, Nauru and Venezuela. Five other countries (Greece, Jamaica, Japan, Mauritius and Papua New Guinea) failed to adopt more than one policy to address violence against women. Although Austria, the Bahamas, Barbados, and Colombia addressed three areas by 1994, they were relatively late in doing so, having had no policy response a decade earlier. In contrast, the other "middling" countries in 1994, (Luxembourg, the Netherlands and Spain) had begun implementing at least one initiative by 1984 (Table 2).

Thus, national government response to violence against women among stable democracies varies widely in comprehensiveness and innovativeness over the two decades preceding the Beijing conference. What explains whether a government response will be more or less innovative and comprehensive? In the sections below, I will demonstrate that policy variation in this important area defies simple and conventional explanations. Neither the mere presence of a women's movement nor the number of women in the legislature are adequate to explain cross-national differences in responsiveness. Nor does an effective women's policy machinery, in itself, seem to produce better policy response in this area. Finally, I will show that neither level of violence nor cross-national cultural differences provide much insight into this question.

THE COMPARATIVE POLICY LITERATURE ON VIOLENCE AGAINST WOMEN

What do we know about cross-national variation in violence against women policy? Perhaps the most important observation to make here is that the empirical and theoretical literature here is scanty compared to work in other issue areas of concern to women. Although many governments have been responding to this issue one way or another over the past ten or fifteen years, there are only a handful of studies that seek to address this issue. Sheer novelty (in the sense that violence against women is a newly recognized problem) cannot be considered an explanation when one considers the exponential growth of literature on environmental policy. The association of this topic with women is also inadequate to explain the silence in the literature when one considers the wealth of data and analysis in other areas of concern to women, such as the literature on women and income support policy.

Whatever the reason, there are only three comparative studies of national violence against women policy that seek to investigate and explain variation in violence against women (Elman, 1996; Busch, 1992; Heise et al 1994).[7] All three studies identify the mobilization of an autonomous women's movement as a key catalyst to policy change in this area. In a comparative study of violence against women policy in Sweden and the United States, Elman (1996) finds that the absence of a strong autonomous women's movement in Sweden partially explains the relative absence of a government response to violence against women. She argues that the decentralized, fragmented structure of the American political system provided multiple points of access for a strong, autonomous women's movement. Further, she contends, the centralized, corporatist structure of Swedish government, combined with a political culture that is intolerant of dissent (especially dissent that can not be dealt with within the tripartite corporatist decision making structure), blocked the development of an autonomous women's movement. Women's organizing was co-opted and subsumed within existing political structures (i.e political parties) and thus Swedish women have never had an autonomous forum in which to organize and articulate their claims.

Elman's study provides invaluable detail and important insights into the development of government response in these two countries. Unfortunately, Elman's use of only two country cases limits the extent to which she can test this hypothesis, mainly because her two cases vary in so may respects it is hard to identify which difference makes a difference to violence against women policy. Nevertheless, it certainly seems plausible that the strength, autonomy or tactics of the women's movement influence variation in policy outcome in some way. Indeed, many studies of women and public policy identify women's movements as important influences on policy outcomes (Randall, 1982; Gelb, 1986; Katzenstein and Mueller, 1987; Koven and Michel, 1993).

A competing tradition of work sees policy outcomes as relatively isolated from women's movements and primarily determined by socio-economic structures, such as capitalism and/or patriarchy.[8] This position may find support in two recent studies of the American states. Murphy (1997) examines state by state variation in policy on police reforms for domestic violence and Cass et al (1991) study rape shield laws. Murphy finds that the strength of the women's movement (which she operationalizes, somewhat questionably, as number of women belonging to NOW in each state) has no impact on policy outcomes, but that the number of women in government is a significant determinant of policy variance. Cass et al find that "socio-economic factors" (urbanization, racial composition, and level of education) are the best predictors of state to state variation in policy than a number of other factors, but they do not even consider women's movement as an important variable.

Although these studies do not concern national policies, they nevertheless may have implications for how we interpret the findings in studies of national policy. It could be that women's movement strength and autonomy really do not matter to this policy area, as these state level policies suggest, and that further analysis will reveal that the finding of the importance of women's movements is the product of generalizing from knowledge of a few cases. On the other hand, we may not see the importance of the women's movement in the state-level studies because mobilization does not vary sufficiently across states to produce an important effect. In particular, these studies could miss the fact that the mobilization of the women's movement is actually a necessary condition for state action because it is relatively constant across states within the United States (that is, relative to variation in women's movement across countries). If this is the case, it should come out in a cross national study, where there is a greater degree of variation in the mobilization of women across units of observation.

The effect of women's movements on policy outcomes seems to be worth investigating. We should note, however, that it is unlikely that an examination of women's movements alone will explain variation in policy outcomes. Even those scholars that do give women's movements a central explanatory role see the impact of movements on policy as being mediated by political parties, institutional structure, political culture and the like (Randall, 1982; Gelb, 1986; Katzenstein and Mueller, 1987; Koven and Michel, 1993). Moreover, most of the countries in this study have women's movements of some kind, but there is a great variation in policy outcomes, suggesting that more refined theorization of the impact of women's movements is needed.

THE POLITICAL REPRESENTATION OF WOMEN

It is becoming increasingly well established that when there are large numbers of women in public office (what is being called a "critical mass") women behave differently than do men (Sue Thomas, 1994; Jill Bystydzienski, 1994). Once the number of women office holders reaches a "tipping point," differences between men and women emerge. Such differences have been demonstrated to have an impact on policy outcomes (for example, regarding abortion policy) across the American states. This suggests that differences in the numbers of women in the legislature may account for some of the variation in policy outcomes across countries.

On Elman's (1996) account, the large numbers of women in government in Sweden made no difference to policy outcomes affecting women in this vital area: violence against women. She argues that the large number of women in the Riksdag (Swedish Parliament) had no effect on policy in this area because of a political culture that focuses on avoiding conflict and "playing by the rules." In addition, party discipline is very strong, and the male dominated parties do not tolerate dissent.

> *"Women's interests have thus been subsumed by gender-neutral approaches to sex-equity. Consequently, a higher proportion of women in the Riksdag has not translated into a greater commitment to policies that would radically alter male dominance. To the contrary, once incorporated into political establishment, women are pitted against women, as champions of the established order." (p.29).*

In contrast, Murphy (1997) finds that the number of women in government is a good predictor of whether state governments adopt police reforms regarding domestic violence. In addition, although they do not pursue the matter, Heise et al (1994) view the lack of women in government as an obstacle to more comprehensive, innovative policies to address violence against women. This apparent opposition may be resolved by positing an interactive relationship between women's mobilization and women in government. This effect would be muted in a state by state comparison, where women's movement mobilization does not vary as much as it does cross-nationally. Moreover, women's movement mobilization may be an important "background condition," creating the context in which women legislators do make a difference. This should be evident in a cross-national comparison.

The cross-national data appear to support Elman's position: that having more women in the legislature does not make policy innovation in this area more likely. Looking strictly at the number of women in government does not appear to explain the variance in policy outcome (Table 3). Nor does the percent of women in the legislature explain violence against women policy. The top ten countries in terms of percent of women in the legislature all have 20% or more women in the legislature, a large enough proportion to constitute a critical mass on most accounts. The absolute number of women here ranges from 21 to 141. Yet the predominant government response to violence against women in this group is to address only 2 or 3 policy areas. Even if (following Thomas, 1994) we take the more stringent standard of 30% for a critical mass, three of the five countries that meet the standard address only two or three areas, and none address more than four areas. Perhaps even more telling, the most responsive countries are not the countries with the largest number of women in the legislature. France and Australia are actually notorious among advanced industrialized countries for electing a very small number and proportion of women. France has never had more than about 6% of women in the legislature, suggesting that a critical mass of women is not a necessary condition for being responsive to the problem of violence against women. This observation also makes it seem unlikely that a greater number of women in the legislature interacts with women's movements to produce better policy outcomes.

Moreover, policy outcomes seem to vary across policy issue: the most advanced states in terms of maternity leave, for example, are not the most advanced in terms of violence against women policy (Table 7). This suggests that the relationship between the number of women in office and policy outcomes is more complex than the literature on representation would suggest.

TABLE 3: COMPREHENSIVENESS OF GOVERNMENT IN STABLE DEMOCRATIC COUNTRIES RANKED BY PROPORTION OF WOMEN IN LEGISLATURE, 1994.

Rank	Country	Election	Seats	women (#)	women (%)	Govt. Response
1	Sweden	09/94	349	141	40.4%	4
2	Norway	09/93	165	65	39.4%	4
3	Finland	03/95	200	67	33.5	2
4	Denmark	09/94	179	59	33.0	2
5	Netherlds	05/94	150	47	31.3	3
6	Germany	10/94	672	176	26.2	2
7	Iceland	04/94	63	16	25.4	2
8	Austria	11/94	183	43	23.5	3
9	New Z	11/93	99	21	21.2	8
10	Luxembg	06/94	60	12	20.0	3
11	Trin & Tobago	12/91	37	7	18.9	2
12	Canada	10/93	295	53	18.0	6
13	Switz	10/91	200	36	18.0	0
14	Spain	06/93	350	56	16.0	3
15	Italy	03/94	630	95	15.1	0
16	Costa Rica	02/94	57	8	14.0	5
17	Ireland	11/92	166	21	12.7	5
18	Belgium	05/95	150	18	12.0	4
19	USA	11/94	440	48	10.9	6
20	Jamaica	03/93	60	7	11.7	1
21	Colombia	03/94	166	18	10.8	7
22	Barbados	09/94	28	3	10.7	1
23	Botswana	10/94	40	4	10.0	0
24	Australia	03/93	147	14	9.5	7
25	United Kingdom	04/92	651	62	9.5	4
26	Israel	06/92	120	11	9.2	2
27	Portugal	10/91	230	20	8.7	2
28	Bahamas	08/92	49	4	8.2	2
29	India	06/91	528	42	8.0	4
30	France	03/93	577	37	6.4	8
31	Venezuela	12/93	203	12	5.9	6
32	Greece	10/93	300	18	6.0	1
33	Mauritius	09/91	70	2	2.9	1
34	Japan	03/93	511	14	2.7	1
35	PNG	06/92	109	0	0	1
36	Nauru	11/92	18	0	0	0

Source: The InterParliamentary Union; Author's Compilation of Gov't Response Data.

STATE STRUCTURE

Elman argues that centralized, corporatist political structures suppress women's autonomous organizing, and that fragmented federal republics encourage them. Thus, we would expect a better response to violence against women in fragmented states and a weaker response in centralized, corporatist states. But response to violence against women varies across the Scandinavian countries, where cen-

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tralized, corporatist decision making structures are the norm. The Swedish state, for example, has been much more innovative and comprehensive in response to violence against women than the Danish or Finnish state. Moreover, the Swedish government has recently become much more responsive to violence against women, but Sweden is still a centralized state with a corporatist decisionmaking structure.

If the argument about the benefits of fragmentation held, one would expect more comprehensive and progressive policy responses from those countries with federal systems than from those with unitary systems. Although it is true that the two most responsive countries (Australia and Canada) are federal systems, it is also true that of the most responsive governments, a minority (three of eight) are federal systems. So a federal system is not necessary for an effective government response. Similarly, some federal governments, such as Germany have been quite unresponsive, suggesting that neither are federal systems sufficient for an effective government response to violence against women, even when they are coupled with an autonomous women's movement.

BUREAUCRATIZATION

State structures may have other features of importance in understanding violence against women policy. Busch (1992), who examined policy response to domestic violence in India and the United States, traces how women's movement demands are neutralized by policy processes. She argues that women's movements are in a double bind, because they demand the institutionalization of government response to domestic violence, but in doing so they lose control over the issue. Women's movements, according to Busch, have much more influence over the stages of problem definition and definition of response than they do over implementation. It is at the stage of implementation that women's movements ultimately lose control, because the bureaucratic structures of the state take over. Following Ferguson (1984), Busch argues that these structures are inherently patriarchal. As a result, institutionalization results in disempowerment of women. Women are treated as victims and clients, but they are also treated as dysfunctional or abnormal.

> *Moreover, she argues, "the bureaucratic structure of the liberal democratic state means that state response to women's movement demands criminalizes violence against women without recognizing that such violence is rooted in unequal gender relations" (60).*

This antipathy toward the state is echoed in Elman's work, who argues that Swedish feminists have been co-opted by the state. For Elman, the great strength of the American women's movement (and one source of the better policy outcome in the U.S.) is the autonomy of the women's movement from the state. A similar analysis can be found in Walker's 1990 analysis of government response to violence against women in Canada: a problem initially framed by the women's movement as a problem of social inequality is translated by expert bureaucratic discourse into a fragmented, apolitical problem. This makes the problem subsumable within the helping professions as a "special problem" of dysfunctional families, easily administered by the mental health, social service and criminal justice systems. Daniels (1997) develops a similar analysis in the U.S.

Busch's analysis of the American response to violence seems almost prophetic when the 1994 *Violence Against Women Act* is considered: this extensive legislative effort is almost exclusively concerned with criminal justice response. The focus of the legislation is on punishment for offenders, and there is little attention to the broader roots of the problem. But this cannot be attributed to the bureaucratic character of the state: after all, other liberal democratic states, such as Australia and Canada, have developed comprehensive policies to address violence against women that do focus on sexual inequality more broadly and which address a variety of areas, including public education, provision of social services and other preventative and research efforts. This suggests that even if Busch is right that bureaucratic structures in the United States have the depoliticizing effect she observes, bureaucracies need not adopt these narrow and depoliticizing policies.

Moreover, in a deeply entrenched patriarchal sex-gender system, it is difficult to argue that bureaucrats reproduce the biases of a patriarchal system because they are bureaucrats, rather than because they (like everyone else) have been socialized in the sex-gender system.

Women's Policy Machinery

Busch's contention that the bureaucratic nature of the state explains policy outcomes affecting domestic violence is not persuasive in light of the significant policy variation across states and within states over time. Nevertheless, her analysis may contain an important insight into why some institutional structures are more responsive to violence against women than others. Busch argues that the form of policy response to domestic violence depends partially on which problems existing institutional structures already address. For example, if a health policy bureaucracy already exists, then the problem will be understood as a health problem. In the United States, where a highly developed criminal justice system exists, violence against women is taken up as a criminal justice problem. Similarly, extending her argument, in European countries, where the social-distributive apparatus is more developed, violence against women policy will tend to focus more on provision of services to victims and less on criminal justice response. Busch argues that this feature of bureaucratic response precludes a comprehensive policy to address violence against women because the problem (inequality) will necessarily be fragmented and the response uncoordinated, and probably partial, as it is taken up by one or other of these administrative structures.

If an effective response to violence against women depends on there being an institutional structure that is capable of addressing the underlying problem, male domination, in its entirety, then we would expect better policies to result in those countries where there is an institutional structure to promote women's status. It follows from this that violence against women will be more effectively addressed where there is a women's policy machinery, that is, a government body whose primary purpose is to promote the status of women.

Although some policy apparati can be ineffective, McBride and Mazur convincingly show that at least sometimes, women's policy machinery can make a difference to policy outcomes. These effective offices appear to have had some effect on government response to violence against women. Effective women's policy offices in Australia and France appear to have been important in developing government re-

TABLE 4: GOVERNMENT RESPONSE TO VIOLENCE AGAINST WOMEN BY LEVEL OF DEVELOPMENT, 1994.

Developed countries		**Developing Countries**	
Country	**No. of Govt. Initiatives**	**Country**	**No. of Govt. Initiatives**
Australia	7	Costa Rica	5
Canada	6	Israel	5
United States	6	India	4
France	5	Bahamas	3
Ireland	5	Barbados	3
New Zealand	5	Colombia	3
Belgium	4	Trinidad & Tobago	2
Norway	4	Jamaica	1
Sweden	4	Mauritius	1
United Kingdom	4	PNGuinea	1
Austria	3	Botswana	0
Luxembourg	3	Nauru	0
Netherlands	3	Venezuela	O
Spain	3		
Denmark	2		
Finland	2		
Germany	2		
Iceland	2		
Portugal	2		
Switzerland	2		
Greece	1		
Japan	1		
Italy	0		

Source: United Nations, The World's Women 1994. Author's Compilation of Gov't Response Data.

sponse to violence against women. Indeed, in France, the main policy initiatives in this area appear to stem from the activities of the feminist activists who staffed the MDF until 1986. Mazur charts the ministry's influence as declining after 1985. But it was between 1980 and 1985 that the largest number of policy initiatives affecting violence against women were adopted in France. Similarly, in Australia, the establishment of the Women's Affairs section in 1974 , subsequent expansions in 1975 and 1977, and finally the Office of the Status of Women in 1982 preceded, and may have facilitated the Australian government's response to violence against women. Similarly, in Costa Rica, the women's policy machinery has been an important partner to the women's movement in addressing violence against women, helping organize demonstrations and funding crisis centers.

The Canadian, American and Israeli cases are more problematic. McBride and Mazur judge the women's policy machinery in Canada and the U.S. to have a low level of policy influence (p.277). Although the Women's Bureau within the department of Labor is one of the oldest women's policy entities in the world, it appears to have had little, if any, influence in the development of policies to address violence against women. Similarly, in Israel, there is no real independent office to address sexual equality.

Moreover, the other countries where McBride and Mazur judge the women's policy machinery to be most effective, the Netherlands, Norway and Denmark, are not the countries that are developing the most progressive and comprehensive policies to address violence. Of these three, the most responsive is Norway, but the very effective policy machineries in the Netherlands and Denmark have done very little to address violence against women.

Thus, although there is some case study evidence that suggests that an effective women's policy machinery can be a useful resource for women's movements seeking government response to violence, the relationship between such offices and policy outcomes in this area is not an obvious one.

LEVEL OF DEVELOPMENT

In all studies of violence against women policy, level of development is implicitly assumed to have an effect, resulting in studies of either developed (Elman, McBride and Mazur) or developing countries (Heise). But the one study that does actually compare countries across levels of development (Busch) appears to demonstrate that starkly different levels of development do not preclude strikingly similar policy processes in the area of domestic violence.

In general, one might expect socio-economic factors to affect government response to violence against women. After all, Case(1991) finds that socio-economic factors (specifically racial composition, urbanization and educational level) explain policy variation in rape reform law across the United States. In 1975,

> *Wilensky argued that "economic growth makes countries with contrasting cultural and political traditions more alike in their strategy for constructing the floor beneath which no one sinks" (1975 p.27).*

This "policy convergence" perspective has enjoyed a renaissance in recent comparative scholarship on policy (for recent discussions of convergence in social policy see Castles and Pierson, 1996; Overbye, 1994; Rose, 1989; Bonoli, 1997; Boyd, 1996). On this view, economic and social policy is becoming more similar around the world as nations grapple with the similar problems. Overbye (1994), for example, argues that

> *"social security arrangements in European as well as Anglo American countries may gradually become more similar" because there are "similar social and political mechanisms at work in different countries, pushing towards convergence in policy outcomes, despite persistent variation in institutional arrangements." (147)*

Similar arguments have been made in regard to developing countries, where integration into the globalizing economy is said to require particular kinds of policy responses, although for these countries the argument has mostly been applied in to economic policy (Sachs, 1989; Krugman, 1993; Cook et al, 1997).

At first glance, a kind of modernization perspective might seem to explain the development of violence against women policy cross-nationally. After all, in 1974 there were only two countries that had undertaken any legal reform in this area; by 1984, sixteen countries had addressed between one and four policy areas, and in 1994, all but four of the stable democratic countries had undertaken some kind of policy initiative to address violence against women. If these countries were indeed crossing some threshold of "development" or "abundance" that allowed them to respond to violence against women, this pattern would explain a lot

TABLE 5: COMPREHENSIVENESS OF GOVERNMENT RESPONSE BY OCD REGION,
36 STABLE DEMOCRATIC COUNTRIES, 1994.

Areas of govt policy (1-7)	Africa	Asia	Latin America	North America	Oceania	Europe
7					Australia	
6				Canada United States		
5		Israel	Costa Rica		New Zealand	France Ireland
4		India				Belgium Norway Sweden U.K.
3			Bahamas Barbados Colombia			Austria Luxembourg Netherlands Spain
2			Trin. & Tob.			Denmark Finland Germany Iceland Portugal Switzerland
1	Mauritius	Japan	Jamaica		Papua N.G.	Greece
0	Botswana		Venezuela		Nauru	Italy
# of countries per region (Total=36)	2	3	7	2	4	18

Source: Chaudary and Nelson; Author's Compilation of Government Response Data.

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TABLE 6: GOVERNMENT RESPONSE BY DOMINANT RELIGION, STABLE DEMOCRACIES, 1994.

Number of areas addressed by govt	Roman Catholic	Protestant	Hindu	Greek Orthodox	Jewish	Shinto/Buddhist
7		Australia				
6		Canada U.S.A.				
5	France Ireland	New Zeal			Israel	
4	Belgium	U.K. Norway Sweden	India			
3	Austria Colombia Costa Rica Luxembg Netherland Spain	Bahamas Barbados				
2	Portugal Trin&Tob	Denmark Finland Germany Iceland Switzerl				
1		Jamaica PN Guinea	Mauritius	Greece		Japan
0	Venezuela Italy	Nauru				
Total=36	13	17	2	1	1	1

Source: CIA Factbook. Author's Compilation of Government Response Data.
Note: Botswana is not included here as data indicate only that it is Christian and animist, but they do not indicate whether the Christians are Protestant or Catholic.

of the variation in the timing and comprehensiveness of policies.

However, on closer examination, this explanation has less plausibility. First, as individual countries have "modernized", the trajectory of violence against women policy has not been linear. For example, in Canada, the rape shield provision was struck down in 1993 and was not replaced until 1995. Similarly, the national governments of both Belgium and Jamaica provided some funding for shelters in the last eighties, but this has since ceased. The United States had a government office to address domestic violence in the early eighties but few people even know about that center now (Elman, 1996).

Similarly, level of socio-economic development does not appear to explain why some national governments are more responsive than others. The national governments of Costa Rica and Israel, for example, address a large number of policy areas (five) but cannot be said to be among the most economically developed of the stable democracies. In addition, there are some advanced industrialized countries, such as Japan, Italy and Greece, among the least responsive governments (Table 4).

CULTURE

There are a number of intuitive explanations for cross-national policy variation that the existing literature does not consider. Perhaps the most obvious of these is cultural difference. As feminists and comparativists, we know that social norms and attitudes affecting the status of women vary cross-nationally. One would expect such cultural differences in women's status to be reflected in policies designed to address violence against women.

In the study of comparative public policy, some scholars emphasize the role of

> *"deeply embedded cultural ideas arising from the distinctive historical experiences of nations"*

as determinants of policy outcomes, sometimes called the cultural values or national values approach (Heidenheimer et al. 1990; Skocpol, 1994). This approach seems particularly well-suited to the study of women and public policy. Steuernagel et al (1995) note that understanding cultural change is critical to understanding changes in public policies affecting women (p.8).

The main problem with this argument is that the independent variable (cultural attitudes or cultural context) is quite nebulous conceptually and difficult to operationalize. As Steuernagel et al concede, ""Culture" is a complex term that is not easily defined." (p.2). They define culture as "a core of traditional ideas, practices, and technology shared by a people." (p.2). This broad definition encompasses any number of indicators, including (as the authors operationalize it) changes in social institutions, changes in the role of women in the family, and changes in the economic conditions of women. Policy itself, on this view, is one aspect of culture, but it also affects culture.

Thus broadly defined, culture is a difficult concept to employ in a cross-national comparison such as the one we undertake. How are we to compare changes in cultures across nations when it is unclear even within one national context when policy *is affecting* culture and when it *is* culture?

Another problematic aspect of employing the notion of cultural value-differences lies in the tendency to see current policy preferences as the result of a culture that prefers those policies, ending up with a tautologous explanation. Cultural preferences, on this view, circumscribe policy processes to such a degree that particular policies are simply not possible. While this may be true in some cases, this argument tends to be misapplied because the obvious truth that existing policies must *not* have been selected out by the cultural framework is mistakenly taken to imply that *only* existing policies were permitted by the cultural context. In this way, existing policies are taken to define the universe of possible policies, implying that the policy process could not have had a different outcome. Thus, at their worst, these explanations take what is as given by assuming that the existing policy arrangement is the only possible outcome from that particular cultural context.

REGIONAL CULTURE

It may be objected that the above discussion understands culture too narrowly, and that culture does not vary along national lines. Rather, the argument would go, certain areas of the world can be said to share a common history and to interact more with each other than they do with other parts of the world. In such cases, regional cultures develop, and these are reflected in approximate policy uniformity across countries. This is why, for example, we can say that

> *"Women, in general it seems, are better off in Scandinavian countries than women in other western European nations and the western world." (Kaplan, 1992: 63)*

The authors of *Women and Politics Worldwide* employ the regional divisions of the Overseas Development Council, since these divisions

> *"combine geographic proximity and historical similarity to create a proxy for cultural characteristics." (Chowdhury and Nelson, p.28)*

But organizing the stable democracies in this study into such a categorization provides little insight into government response (Table 5).

There is quite a bit of variation within the regions. In the Case of Oceania, this variation

TABLE 7: STATUTORY MATERNITY LEAVE AND COMPREHENSIVENESS OF GOVERNMENT RESPONSE, 1994.

Country	# Weeks Unpaid Leave	Percentage of Earnings Paid	Number of Govt. Initiatives
Sweden	12	90% or Flat Rate of 37 Kroner per Day	4
Norway	18	100%	4
Finland	19	30 to 80%	2
Denmark	18	90%	2
Netherlands	16	100%	3
Germany	14	100%	2
Iceland	8	Fixed Allowance	2
Austria	16	Ave. earnings	7
New Zealand	14	unpaid	5
Luxembourg	16	100%	3
Trinidad & Tobago	13	60%	2
Canada	17	57%	6
Switzerland	8	100%	2
Spain	16	75%	3
Italy	20	80%	0
Costa Rica	16	100%	5
Ireland	14	70%	8
Belgium	15	82%	4
USA	12	unpaid	6
Jamaica	12	100%	1
Colombia	12	100%	3
Barbados	12	100%	3
Botswana	12	25%	0
Australia	12	unpaid (except for govt employees)	8
United Kingdom	14	90%	4
Israel	12	75%	5
Portugal	12.8	100%	7
Bahamas	8	100%	3
India	12	100%	4
France	16	84%	5
Venezuela	18	100%	0
Greece	15	100%	1
Mauritius	12	100%	1
Japan	14	60%	1
PNG	6	unpaid	1
Nauru			0

Source: International Labour Office, Geneva, 1994.

is as great within the region as it is across regions. The two regions in which there is less variation, North American and Africa, are the two regions that are the least represented here, suggesting that the old statistical principle that variation increases with sample size holds true. Those two regions who do have a sizable representation among stable democratic countries, Europe and Latin America, appear to be roughly similar, with the bulk of national governments in both regions addressing only two or three policy areas. In both regions there is one country whose national government has adopted not even one of the policy measures adopted here, and there is a government that has adopted five initiatives. Thus, whether a country is in Latin America or Europe will tell us little about how responsive the government is. Knowing whether a stable democracy is in Asia or Oceania tells us that the country addressed either 4 or more policy areas or 1 or no policy areas.

RELIGION

Kaplan (1992) criticizes as simplistic the common hypothesis that

> *"a country may be less likely to adopt progressive ideas when it is predominantly catholic."*

She argues that western Europe is predominantly Catholic and that the few Protestant countries that there are (she identifies Finland, Iceland, Norway and Sweden as Protestant) are not the most progressive countries in Europe. Kaplan's analysis of west Europe appears to hold in this study of stable democracies, in which there is a larger number of Protestant countries. By way of illustration, I classify the countries in my study according to the majority religion (the religion to which the largest number of people belong) and comprehensiveness of government response below.

It appears that religion gives us no significant handle on the variation in government response. As Kaplan notes,

> *"perhaps it should be said that any religion, as long as it has a stronghold on the state and can wield real power, will be a great stumbling block for substantial change in secular matters." (p.55)*

Randall (1987), for example, posits that the Catholic church has been stronger in Ireland than in Italy. Considering the struggle over abortion policy in these two countries, she notes that

> *"the real difference...is that in Ireland the Catholic Church has faced no significant challenge to its moral hegemony from an alternative secular or socialist tradition." (282)*

In Italy by contrast, the strength of the left wing tradition and the women's liberation movement meant that the Church could not ultimately prevent abortion law reform. But in the area of violence against women policy, Ireland has adopted more provisions than the Italian government, and it did so sooner. So the greater entrenchment of the Church in Ireland did not inhibit a more progressive government response to violence against women. Thus, although there may be room for further hypotheses regarding religion, it seems that there is little evidence in the government response data to suggest that this area is worth pursuing.

MATERNALISM

Several recent works argue that states in which women are highly valued as mothers enact social policies that are more favorable to women (Skocpol, 1992; Koven and Michel, 1993; for a comprehensive review of this literature see Brush, 1996). Motherhood provides access to the rights of citizenship for women, and women's movements have been able to "hijack" maternalism to provoke a state response to women's issues. As Koven and Michel argue, the maternalist movements of the late 19th and early 20th century

> *"remain important expressions of the subversive potential of claims based on the social and economic value of motherhood joined to women's freedom to define for themselves their relationship to family and work force." (p.31)*

Other scholars however, worry that when concessions are made to women as mothers, traditional values are reinforced, and thus these concessions actually make it harder for women to make progress in other areas (i.e. as women, not as mothers) (Brush, 1996). Do policies designed to benefit mothers have positive or negative spillovers consequences for women in areas not related to motherhood? One way of exploring this issue empirically would be to see if those countries with generous maternity benefits were the same as those countries with better policies to address violence against women. Table 7 below shows the maternity benefits provided in stable democratic countries. It appears that there is no relationship between the generosity of maternity provisions and responsiveness to violence against women, even when level of development is taken into account.

BIGGER PROBLEMS PROVOKE BETTER POLICIES

John Kingdon (1984) suggests that problems are more likely to make it onto the government agenda when sheer magnitude forces action or when a noticeable change in the problem occurs. This may suggest that there would be greater government attention to violence against women where such violence is more of a problem. If this argument held, we would expect to see higher levels of violence associated with a less comprehensive, progressive government response and lower levels of violence associated with a weaker, later government policy. While it is difficult to produce any fine measure of the prevalence of violence against women, the evidence that we do have suggests that level of violence is not related to government response in this way.

As I have noted, there is a difficulty with obtaining cross-nationally comparable data on levels of violence. However, the same survey administered in Costa Rica and Papua New Guinea found that rates of sexual assaults and victimization to sexual incidents were at least twice as high in Papua New Guinea as they were in Costa Rica in 1992. But the government of Costa Rica has done much more to address the problem of violence against women than the government of Papua New Guinea, which has done almost nothing. Moreover, the higher rates reported in Papua New Guinea cannot be attributed to greater awareness of the problem. In Costa Rica, there have been extensive public education campaigns regarding violence against women while in Papua New Guinea these efforts have been much more limited. Similarly, recent studies in Japan suggest that there is a very high rate of domestic violence in that country (Appendix A). And yet there is virtually no government response to this problem.

There are some countries that we know have very high rates of violence that also have very highly developed government response to violence against women. In both Canada and Belgium, for example, we know that about 50% of women have been victims of violence against women. These countries are among the more responsive to violence. In these cases, however, it is more likely that the high rates of violence reported are products of the fact that 1) in these countries, the governments undertook national surveys to assess the level of violence in order to better address the problem, whereas other countries are only now developing the information required for an effective response, and 2) The comprehensive government response has resulted in increased awareness a better criminal justice response and thus there are high rates of reporting to authorities and survey researchers.

WHAT DOES EXPLAIN GOVERNMENT RESPONSE TO VIOLENCE AGAINST WOMEN?

Thus, neither the existing literature nor these intuitive explanations appear to give us much leverage on cross-national variation in violence against women policy. Moreover, even in combination these factors do not provide much insight. For example, even if we examine developed and developing countries separately, neither level of violence nor number of women in government can explain variation in policy outcomes. Similarly, even within Oceania or Europe, the governments with the largest proportion of women legislators are not the most responsive to violence against women.

Any convincing explanation must contend with some important characteristics of policy variation in this area. First, what explains the apparent independence of policy outcomes in this area from policy outcomes in other areas of importance to women, such as maternity leave and redistributive (welfare) policies?[3] Second, what can explain the institutional and cultural diversity among the polities that have proven most responsive to this problem? If there is one noticeable feature of the most and least responsive states on this policy issue it is the diversity among both groups. Discovering a common explanation for policy outcomes among these states presents a formidable challenge.

THE IMPORTANCE OF A STRONG, AUTONOMOUS WOMEN'S MOVEMENT

In any account of the development of violence against women policy, the women's movement is identified as the actor that articulates the importance of violence against women as a problem. Certainly, all of the national governments that have been the most responsive to violence against women have active women's movements of some kind. But even the least responsive of countries, such as Japan, Mauritius, and Italy have active women's movements. So if having an active women's movement is a condition upon which a government response depends, it is a necessary, but not sufficient condition for government response.

It makes sense that a strong women's movement is necessary for policy development in this area, and may be more important than other areas affecting women. Although maternity leave provisions, for example, may be demanded by the women's movement, feminists are certainly not the only once with an interest in seeing that mothers are able to retain their jobs. Similarly, although women may benefit from social assistance or welfare policies, these policies are not always a response to women's organizing or women's movement demands. In some countries, such as the United States, social assistance policies are better understood as a continuation of poor law than they are a response to women's organizing (Handler, 1994; Abramovitz, 1988). But it is hard to imagine a group other than women's groups pressing for the recognition of violence against women conceptualized as such. Thus, this area may be a kind of litmus test to see how responsive governments are to women as women, as opposed to how much women benefit incidentally from state policies designed to address other problems (cf. Elman, 1996).

Since there is so much variation across countries that do have women's movements, moreover, it may be fruitful to consider how variation in the character of women's movements affects policy outcomes. Perhaps an obvious feature of women's movement that may have an impact on policy outcome is strength, although it is hard to identify differences in strength in practice. One source of movement strength is organization. Indeed, it does seem that women's movements have been more successful in influencing the agenda of government where there are umbrella organizations or other national fora for working out a common national plan of action.

When women's organizations are only created as auxiliaries or women's wings of parties, and they never come together in a forum as women, women's priorities are always only important insofar a they address the goals of the wider organizations within which the women's wings are embedded. Women's wings are constantly oriented towards forcing the integration of women's issues into a worker's agenda, a business agenda, a nationalist agenda, or some other program. When women organize as women, however, the challenge of addressing women's issues as women becomes apparent. The project of the organization in such a setting is not to show how violence affects workers, although it does, or how much violence costs employers, although it costs them a lot. Rather, the aim is to establish that violence against women should have a high place on any agenda of women's issues. Although establishing agreement on this issue may be difficult, the recent history of the women's movement shows that this issue emerged as an issue of importance in literally every national context where women are allowed to organize freely (*Bringing Beijing Home*; Nelson, 1996).

Elman suggests that the autonomy of the women's movement is important in allowing for the articulation of violence against women as a priority for public policy. She argues that in Sweden, women's organizing was not autonomous of the established political parties, and that this explains why violence against women was never addressed comprehensively as a problem of the sexual subordination of women. Hellman(1996) persuasively argues that the reason the Italian women's movement succeeded in 1996 in obtaining a government response to violence against women after twenty years of lobbying is that they finally decided to focus on organizing around the issue outside the state, creating an independent base of support to which the government had to respond.

The studies documenting the absorption of the issue of violence by government bureaucracies suggests that the implementation of a comprehensive, effective government policy requires that the women's movement continue to evaluate and criticize government policy after it has been adopted in order to ensure effective interpretation and implementation of policies to address violence against women. This requires a great deal of organization indeed from what is usually a fragmented group of committed organizers working with limited resources. This may be one reason why comprehensive, progressive government responses are so rare.

The women's movement in both Australia and Canada has accomplished such autonomous organizing on a number of occasions. In Canada, for example, the National Action Committee on the Status of Women (NAC) is an umbrella group which at last count represented several million women through its approximately 600 member groups (1988). NAC aims to be a voice or parliament of women, at least in English Canada, and on many issues NAC partners with the Native Women's Association or with Francophone groups. NAC has successfully forced women's issues onto the government agenda on a number of occasions, perhaps most memorably when NAC organized a televised leaders debate for the federal election, in which all three leaders competed to support equality for women. NAC has forced women's issues into the spotlight during a number of constitutional negotiations, importantly siding with the Native women's Association in 1992 in advocating against the Charlottetown accord.

Although in Australia there is no independent "peak body" for women's movements, the Women's Electoral League has often taken the lead in creating broad based coalitions of women's organizations for specific purposes, such as to support federal sex discrimination legislation in 1983-84, to defeat a proposed consumption tax in 1985, and to support an intervention in the National Wage case in 1992 to oppose the drift towards enterprise bargaining (Sawer, p.77). The National Foundation of Australian women has been working to improve communications among women's organizations. Recently, the CAPOW! network, an information sharing network that includes most women's organizations, has been set up, and this network issues a fortnightly fax to members. In addition, there are a number of large, well-established National Women's organizations, such as the National Council of Women and the Women's International League for Peace and Freedom. The National Council of Women has some 570 affiliated organizations. In addition, women from non-English speaking backgrounds have formed a national association.

In addition to these intra-women's movement forums, there is the National Women's Consultative Body, a federal advisory body that receives operational grants from the Office of the Status of Women. Women's organizations are represented in this body. There is also a twice yearly roundtable between the prime minister and women's organizations, which has been established as a forum for raising women's concerns with the head of government.

Thus, although there is no single, consistent independent women's forum in which to address women's issues, the Australian women's movement has acted as an organized, independent force on many occasions, and is certainly not subsumed under other political party organizations or labor unions.

These are the only two countries that have implemented all seven policy initiatives required for a progressive comprehensive, response to violence against women. Both countries had started to address this issue as early as 1975.

Of course, there are strong and autonomous women's movements in many other stable democracies countries. The women's movement in both the United States and India, for example, can also be described as strong and autonomous. Among the group of stable democratic countries with an organized network of independent women's groups, the national government nowhere addresses fewer than three policy areas. Although Sweden had a strong women's movement in 1994, most women's organizations were not independent of the political parties, as Elman notes. Thus, the Swedish government was not among the most responsive governments in 1994.

Although this explanation seems plausible, there is still much unexplained variation. For example, although India had an organized, autonomous women's movement, and Sweden did not, the governments were equally responsive to violence against women in 1994. This suggests that an autonomous women's movement may be necessary, but not sufficient, to provoke an effective government response to violence against women.

THE IMPORTANCE OF INSIDERS

There is a great deal of variation in the comprehensiveness and progressiveness of government response, even among responsive governments. What made the difference between those governments that addressed 4, 5, 6 or 7 areas? It is a commonplace among studies of women and policy that in order to successfully influence policy outcomes, women's movements need both insiders and outsiders (Freeman, 1975; McBride and Mazur, 1995) Strong, autonomous women's organizations are clearly outsiders in the policy process. Perhaps asking about the role of insiders in translating agenda items into policy will provide the answer to this question.

Among the eight most responsive governments, policy initiatives to address violence against women resulted from partnerships between autonomous women's organizations and feminists who were influential or well-positioned members of government. In Ireland, for example, a submission by a rape crisis center to a non-partisan committee of legislators resulted in a public report recommending policy reforms in 1987. Femocrats inside the Irish government helped to ensure that there was such a committee in the first place and that the final policy recommendations reflected the original recommendations from the rape crisis center. Following this report, there was a significant expansion in government response to this problem. The Irish government began addressing more areas after the publication of the report (with these new measures taking effect in 1990) and continues to improve its response (Irish Task Force on Violence Against Women 1996). Similarly, the response by the Costa Rican government appears to be a product of cooperation between a government agency (the Center for the Development of Women and the Family) and a variety of women's organizations. In the United States, the proposals of organized women's groups were taken up by sympathetic legislators both in instance the early policy initiatives of the seventies and in the case of the *Violence Against Women Act*, passed in 1994.

Some independent women's movements were able to partner with femocrats to achieve policy change. This explain why some democracies with strong autonomous women's movements have been able to procure government action on violence while others have not. I stress here that it is feminists in influential positions, rather than simply women, who provide the window of opportunity. In the examples cited, there were not a particularly large number of women in the legislature.

Thus the development of partnerships between insiders and outsiders explains why a better policy response to violence against women developed in some stable democracies and not in others. But this explanation leaves variation among the most responsive governments unexplained. Why did the government response in Canada and Australia not remain limited to a primarily criminal justice response, as in the United States? Why was the response not restricted to a focus on domestic violence, as it was in New Zealand and Ireland? Why did it go beyond the partial response of France and Costa Rica? The answer is that in Canada and Australia, the relationship between women's movements and their internal allies could develop over the long term because of the institutionalization of an effective women's policy machinery.

INSTITUTIONALIZATION OF THE INSIDE-OUTSIDE PARTNERSHIP

The national governments of Australia and Canada first began addressing the issue of violence against women in 1975. Since that time, there has been a proliferation of institutions designed to improve the status of women in both countries. This institutionalization has provided a permanent point of contact and institutional memory that has strengthened both the women's movement and their allies within government. The institutionalization has made the difference between the fleeting window of opportunity provided by the election of feminists to legislative office and the more long-term possibility of on-going development of government response.

In Australia, for example, most accounts point clearly to the women's policy machinery, which has been very active in terms of promoting a women's policy agenda but also in attempting to strengthen the women's movement. In Canada, the women's policy machinery has been fragmented and has played less of a visible role in policy development. Nevertheless, the women's movement received important financial support and inside information from femocrats working in the women's policy machinery. Indeed, one former Canadian femocrat has noted that when women's groups are effective in their lobbying, women's policy machinery can have an impact.(Geller-Schwartz, p.57)

In contrast, policy development in France was abruptly cut short in the late eighties when the Socialists were voted out of power. The partnership between the women's movement and the feminists in the MDF broke down when the key feminists were removed from office and replaced with conservative party faithful (Mazur, 1995). As a result, both the women's movement and the policy machinery were severely weakened. Similarly, in Ireland, policy development has depended on the re-establishment with each election of a standing committee on women's issues, and elections have resulted in the removal of feminist allies within government. There is no permanent women's policy machinery with whom the women's organizations are able to develop a partnership. Similarly, policy responses in the United States and Israel depended on coalitions between temporary allies, feminist legislators, and women's organizations. At the time of the passage of the legislation, there was no permanent institutional ally with whom women's organizations could partner to develop a more effective policy response.

In both New Zealand and Costa Rica, women's policy machinery was not established until the late eighties, and partnerships between the permanent institutions and the women's organization had only begun to develop by the early nineties. Thus, there has been insufficient time for criticism and dialogue between government and women's groups to result in a more comprehensive policy.

CONCLUSION

Simple, unidimensional explanations for cross-national policy variation fail to capture important differences in violence against women policies across countries. Neither level of economic development, nor number of women legislators, nor culture, nor level of violence appears to significantly affect government response to violence against women.

Based on a review of the history of the development of government response to violence against women in the most responsive countries, I hypothesize that a combination of strong, autonomous women's organizing and feminists in government can create the insider-outsider partnerships that are the catalysts for policy development in this area. Moreover, such policy initiatives only develop into comprehensive, progressive government responses when there is an effective, permanent institutional base for improving women's status, that is, where there is an effective women' policy machinery. Where these three conditions obtain, over time, critique and revision of policy may result in a more progressive, comprehensive response to violence against women. Where even one of these conditions is missing, or where policy innovation is very recent, however, the government response will be weaker.

ENDNOTES

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WHAT OLDER, RURAL LESBIANS SAY ABOUT ACCESSING HEALTH CARE: PAST EXPERIENCES AND FUTURE VISIONS

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ABSTRACT

Previous research on lesbian health care has drawn primarily from samples of young lesbians living in metropolitan areas. Through face-to-face interviews with twenty-one lesbians aged 54 or older and living in rural communities, this exploratory, naturalistic inquiry begins to fill a gap in the literature by examining the health care experiences of older, rural lesbians. Five themes emerged from the narrative data: issues of access, good health/good care; open to her own diversity; family and community; and visions—ideals and fears. We present these themes through informant quotes. Policy implications discussed in the study include: focusing attention on rural economic development; expanding health insurance coverage; easing eligibility requirements for disability benefits; combating ageism and sexism in employment; and securing civil rights for gays and lesbians.

LITERATURE REVIEW

It is often said that lesbians face double oppression due to their sexual orientation and their gender. Lesbians in their elder years experience yet a third oppression due to their age. Kehoe (1986, 1988) and Deevey (1990) demonstrate how this triple minority status has resulted in the invisibility of older lesbians. It is reasonable to believe that rural, older lesbians may experience even further isolation and invisibility due to the sparse population and traditional cultures of rural areas (Foster, 1997; Gunter, 1988). Lesbians in rural environments—not unlike rural heterosexual individuals—have often led very independent lives and have depended on their good health and physical strength to carve out rustic lifestyles away from urban environments (Lord & Reid, 1995).

In a review of the literature on lesbian health care research from 1970 to 1990, Stevens (1992) found only one article on older lesbian women (Deevey, 1990). The mean age of participants in most studies on lesbian health care has ranged from 20 to 40 (Stevens, 1992). Kochman (1997) speaks to this ageism by reminding practitioners and researchers that gays and lesbians "do not self-destruct at the age of forty" (p.2). Additionally, most studies about lesbians have recruited participants in metropolitan areas which support relatively large gay and lesbian populations (e.g., Quam & Whitford, 1992; Buenting, 1992; Lucas, 1992). The experiences of lesbians living in rural communities may well differ from those of their urban counterparts (Lindhorst, 1997), and thus generalizations from inquiries based on urban samples may not apply to the needs of rural populations. This study builds on previous research concerning health care experiences of lesbians by accessing a sample of older lesbians living in a rural area.

O'Hanlan (1995), Robertson (1992) and the studies reviewed by Stevens (1992) cite the many difficulties faced by lesbians in accessing health care, including prejudice, heterosexual assumptions, and outright hostility of health care providers (e.g., Randall, 1989). Negative experiences with health care can lead to delayed help seeking (e.g. Chafetz, Sampson, Beck & West, 1974) and fear of disclosure about sexual orientation (e.g. Reagan, 1981).

Similarly, Deevey (1990) found old lesbians to be skeptical of traditional health care. Although homophobia within society and the health care profession continues (O'Hanlan, 1995; Randall, 1989), lesbians in their elder years may have long histories of facing societal condemnation and violence even more extreme than what exists today (Kehoe, 1988; Kochman, 1997). These older women may very appropriately continue to fear and avoid societal institutions, which have oppressed them—including health care institutions, which until 1973 considered homosexuality to be a disease. Research by Raphael and Meyer (1988) uncovered that old lesbians found young social service providers—even young lesbians—to be insensitive to their issues.

Although some urban environments have significant gay and lesbian communities, which have helped to both lessen the stigma of homosexuality and have provided social events, health care services, and celebratory culture specifically for gay men and lesbian women, this is not the case in most rural environments (Foster, 1997; Gunter, 1988; Kehoe, 1988). While gay and lesbian communities exist in rural environments, they are far smaller and generally less visible. Health care in general is more limited in rural areas than urban areas because of a shortage of health care providers (Lindhorst, 1997; Summer, 1991).

People with low incomes are particularly vulnerable to inadequate health care in rural areas (Summer, 1991). In 1990, older women had a rate of poverty, which was about twice that of older men—15 percent for all elderly women and about 20 percent for women 75 years of age and older (Taeuber & Allen, 1993). The census does not keep statistics on poverty rates for lesbian women and gay men, but it can be assumed that older lesbians would be particularly vulnerable to poverty as they generally have not benefited from men's wages and pensions as many heterosexual women have (Kochman, 1997).

In the past three decades there has been a documented attraction to moving back to the land among lesbians (Lord & Reid, 1995; Lindhorst, 1997). The health care concerns of these women may well vary at the different stages of their lives; it is likely that health care issues will take on more prominence as these rural lesbians move into their later years. In order to understand the health care experiences of older lesbians living rurally, we undertook the following inquiry.

METHOD

This exploratory, naturalistic study—funded by the Lesbian Health Fund—sought to answer three primary research questions:

- What have been the experiences of older, rural lesbians in accessing health care throughout their lives?
- What are the thoughts of older, rural lesbians about accessing health care, mental health care and support services as they enter their later years?
- What visions do older, rural lesbians have of safe, inviting and accessible health care, mental health care and support services?

We contacted the 21 informants in our snowball sample primarily through friendship circles. Criteria for participation in the study included: geographic location, age, gender, and sexual orientation. Our original study area included the two most rural coastal counties of Maine, but difficulties in obtaining a large enough sample caused us to include a third rural coastal county. Additionally we lowered our age criterion from 55 to 54 in order to include four more informants. While we posted some flyers inviting participation in the study, these did not result in any unsolicited contacts from potential informants; all informants were known to the authors, acquaintances of the authors, or informants in the study.

Data were collected through face-to-face interviews from May 1997 through January 1998. Interviews—generally lasting from one to two hours—took place primarily in the homes of the informants but also in other locations (e.g., a restaurant, or one author's office) when that was more convenient for the informant.

The interview consisted of the three research questions on health care along with a series of demographic and life history questions. All interviews were transcribed and analyzed for recurring themes (Strauss & Corbin, 1990). To increase trustworthiness, each author independently analyzed the data for themes and patterns; interpretive differences were negotiated (DePoy & Gitlin, 1994).

RESULTS

The age of the 21 informants ranged from 54 to 75; the mean age was 59. All but one of the informants had moved to rural Maine as an adult; one had lived in rural Maine her whole life. The average number of years informants had lived in rural Maine was 18. At the time of the interview: six informants were retired; seven were in traditional full-time jobs; two were in temporary jobs; two were disabled; and six were running their own businesses. (Of the six running their own businesses, one was retired and one was disabled.) Income ranged from zero income to considerable wealth—one informant said: "lets just say I'm the only millionaire you're going to interview." The mean annual income was $23,000, excluding the millionaire. The informants in this sample were relatively well educated. Only one woman had less than a high school education and eleven had graduate degrees. All the informants were white; one identified as "Spanish."

Thirteen of the 21 informants were partnered at the time of the interview, with the longevity of those current partnerships ranging from two to 36 years (mean=17 years). Five informants had once been married; 13 had been in heterosexual relationship earlier in their lives. In answer to the question: "Are you a life-long lesbian?" 15 said yes, three said no, and three said they were not sure.

Twelve of the 21 informants had come out as lesbians to their health care providers. (This number may be unusually high as there are several "out" lesbian physicians in one of the rural counties studied.) Four of the informants said they had experienced discrimination as lesbians in accessing health care. A larger number of informants (n=8) reported experiencing discrimination as a woman in accessing the health care they needed. Five women in the sample spoke of the importance of alternative health care such as homeopathy, acupuncture, massage and herbal remedies. Serious illness had afflicted four of the women in the sample. Six informants were without health insurance at the time of the interview.

We attempted to place the women in our sample along a continuum pertaining to their degree of being publicly known as a lesbian. We established three categories: totally closeted (n=4), don't advertise (n=8), and publicly identified (n=9). Status in these categories was not static; several of the women appeared to be moving toward being more publicly identified as lesbians. While some women were quite cautious about revealing their sexual orientation, others such as Helen (names have been changed for purposes of confidentiality) represented the spirit of the publicly identified category:

> [When I was an adolescent] there was a lot of talk about sex with men [at the doctor's] and how was that going. That medical stuff and all. I really felt weird, like I can't answer this and that means I'm not getting good treatment. That was terrible. But now if I went in for a bad toenail, I would make sure that they found out that it was a lesbian toenail.

Five themes were identified in the data:

- Issues of access
- Good health/good care
- Open to her own diversity
- Family and community
- Visions: Ideals and fears

For the purposes of this paper each theme will be described briefly through quotes from informants, followed by a discussion of policy implications.

Issues of access

Six of the 21 informants (29%) did not have health insurance at the time of the interview; this is nearly twice the rate of being without health insurance for the entire population. Poverty and the lack of health insurance that often accompanies poverty were identified as primary obstacles to receiving good health care. As Carol says:

> *"Well I've frequently had trouble accessing health services because most of my life I've not had much money. When I've had money it's not been a problem."*

Irene also has done without health insurance since moving to the country:

> *"Since I've been up here, I don't do routine medical stuff like I did when I was in the city, because I can't afford anything anymore. I've really spent my whole life testing the limits of downward mobility. I've probably found the limits! Farming is an absolutely excellent way to dispose of a small fortune."*

The distance to health care providers was another obstacle for some of these informants. Recently, Greta had had to undergo radiation treatments for cancer which had required her to drive five hours each evening after a full day's work. As she said:

> *"The only issue in a rural area is that you have to drive so far. Your sick time when you are working takes so much longer, because you have to go further. So normally if you lived in [a city], it might take you an hour. But if you live where I do it takes you five hours. You are out for a day."*

Good health/good care

Overall the informants were in good health and felt very positively about their lives. Several of the informants compared their former lives in the city to their current rural lives. Helen says that though she has given some things up, she feels nourished by her rural home:

> *"Yeah I always have fears because of choosing to live here, there are less things available here. Less variety of things. When it comes to that kind of stuff. More variety when it comes to the stuff that is important to me now like trees and water."*

Nancy, who lives alone in a fairly isolated setting describes her sense of safety in the country:

> *"I always feel very safe living up here, as opposed to the city. I was living in Dorchester, and people were breaking into the apartment above me, apartment below me. I was living tight, I was all protected. So living up here I can expand and feel free and safe."*

Open to her own diversity

We were constantly amazed by the spunk of the informants currently and in the stories of their past lives. Nearly half of the sample had opened their own businesses at some point in their lives, carving places for themselves in the world that worked with their lesbian identities, and at times with the realities of rural life in an economically impoverished area. Many of the women described ways in which they were willing to break the molds of society in order to lead independent lives that were authentic for them.

For example Carol lost a job as a college professor when she was outed in the early 70's. She speaks of how she dealt with that situation as a single mother who wanted to stay in Maine:

> *Well you know the way that being lesbian has affected my income is that I was fired from my job as a History Professor when I was outed by the local Unitarian Minister. And since I didn't have a Ph.D., I just had an ABD so I didn't even try to find another job. I wanted to stay in Maine. That is when I became a rural, ordinary, having the experience of most people in Maine who are determined to live here. I worked with a crew of women paining houses. I got some CETA jobs; I began to write fiction. And I learned how to do video and I did several projects with that. Which meant that my income from there after was always marginal. Being lesbian in the 70's—which was when I was outed—was not a very good professional move.*

Family and community

Family and community were clearly very important to all of the informants—but family and community as they defined the terms. Those informants who were partnered looked to their partners for primary support. Lesbian community figured significantly in the lives of about two thirds of the sample. Several of the informants felt a connection to the rural villages they lived in, and considered these neighbors to be part of their support system. Pets, ex-partners, children and birth families all contributed in varying degrees to the fabric of family as described by the informants. Family, friends and community also figured prominently in their visions of good health care for the future.

Visions: Ideals and fears

One of our questions on health care asked the respondents to visualize the sort of health care they would like in their elder years. The responses reflected the diversity of the sample but also demonstrated some commonalties.

Alice articulated a fear that was expressed in various degrees by several of the informants:

> *I feel panic when I think about ever having to go to a nursing home. All nursing homes I know of are heterosexual and I would die. There is absolutely no way I could tolerate that environment. I would be so out of it, I would hate every bit of it. I wouldn't share any of their values probably and I hate all the assumptions of the whole institution. I don't know what I would do if I were so unhealthy as to go into one of those places; I don't think I would make myself feel horrible by saying that I am a lesbian, although I might, just in desperation. But I feel like I'd be punished for it.*

And Olivia spoke about her fear of the success of the radical right in Maine and around the country:

> *"Well I'd like to live in a country that hasn't gone backwards as far as gay/lesbian rights, certainly. I wouldn't want to be old and fearful that this extremely hostile prejudice is something I'd have to deal with much."*

For those informants without health insurance, their visions of good health care centered on being able to afford whatever health care they might need. Patricia who was disabled with asthma and without health insurance or income said:

> *"I think it would be a comforting feeling to know that I would not have to keep myself from getting the help I needed."*

Other informants emphasized their preference for nurturing over medication and for health centers that were friendly to lesbians. Some informants described the residential settings that would work for them, given that mainstream retirement communities were so distasteful. As Kristie said, older lesbians around the country are beginning to think about this issue:

I think a lot of lesbians, because we are all aging together, those of us who came up through the movement, are thinking that we want to find old lesbian homes where we can spend our days rocking away. And this kind of retirement community idea is starting to pull together. Ladyslipper is thinking of doing that, putting their energy into something like that. And I know there is an RV women's community in Arizona. So there are places where I think we'll be able to go, but again we are going to have to create them for ourselves. Because certainly the government ain't doing it.

And finally what was emphasized by nearly all of the informants was the desire for a community of friends with whom they could go through the aging process. Olivia's vision was similar to what many informants described:

> *Well I'd certainly want a support group of old lesbians where we could talk about what's happened to us physically and psychologically in a very comfortable, nurturing atmosphere. Where the support group would really be ongoing. And that way if one of us in the group had big needs then there would be a number of women who could come forward. I think that that would be important. And also I would like the kind of support network where we could provide services to each other in non-emergency times. If one doesn't like to drive in winter, someone could make the run to town and get all the groceries. I think it wouldn't have to be lesbians but it would have to be a support group where you could be out.*

POLICY IMPLICATIONS

Because most of the women in this study have lived to some extent outside of mainstream society—or as closeted individuals within mainstream institutions—it is perhaps not surprising that their visions for good health care look more to their own networks and initiative than to traditional medicine. Traditional health care, while important, was not forefront in their visions. Nurturing was valued over technology and medication.

Nonetheless, these women were not totally divorced from society at large and were, to varying degrees, dependent upon the institutions within it. The poverty faced by nearly a third of the sample is a result of a number of factors: limited economic opportunities in rural areas, age and sex discrimination in employment, and overly strict eligibility requirement for disability benefits. Each of these factors could be alleviated through progressive policy change. Similarly, a national health care program providing universal coverage would be beneficial for that significant segment of our older population—including older rural lesbians—who are neither eligible from Medicare, nor connected to health care through employment.

Finally, during the time that this study took place Maine experienced two historic events related to civil rights for gays and lesbians. In the spring of 1997—after 20 years of effort by activists—the Maine State Legislature passed an amendment to the Human Rights Law including sexual orientation as a protected category. Several months later the radical right mounted a "citizens' veto" campaign, collecting signatures for a referendum to repeal the law before it was enacted. In a special election in which only 15 percent of the Maine population voted, the "citizens' veto" prevailed. The resulting atmosphere of legalized homophobia and discrimination does not encourage gays and lesbians—of any age—to freely identify their sexual orientation; this results in restricted personal lives and less authentic health care.

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WOMEN AND ALCOHOLISM: TREATMENT MODELS - PAST, PRESENT, FUTURE

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ABSTRACT

In an era of increasing attention to the needs of specialized populations and interest groups, the failure to address issues related to women and alcoholism continues to be one of the largest hurdles in social policy, yet to be overcome. During the past fifteen years, the treatment of alcoholism has undergone significant changes with regard to models used in treatment approach, intervention techniques, and empirical research. The disease model has advanced and enhanced the understanding of many of the root causes of this disease and offered positive advances to the overall treatment direction and outcomes. However, the progressions have been based on a male normative model. Numerous and unique variables inherent in women alcoholics has not fully been taken into account, creating a dearth in research funding, examination, and implementation of alternative treatment approaches. Treatment needs of women are widely accepted by researchers - yet still, little has been done to implement structural changes in the field of recovery to ameliorate the stigma, gender bias, and socio-cultural barriers faced by this population. This article presents an overview of treatment models for women alcoholics developed over the past fifty years, examines the paucity of empirical data, and includes interviews with women in recovery from two women-centered treatment approaches. A major emphasis is placed on the feminist-integrated model - one which alleviates the existing barriers faced by women alcoholics, and which offers a comprehensive solution to the future of their recovery.

OVERVIEW

The disease of alcoholism knows no boundaries. It affects an individual regardless of social status, ethnicity or gender. Alcoholism is not just a physical problem, "but a psychological and socio-cultural problem as well; mind and body enter into the development and maintenance of the disease, as do society and culture" (Wallace, 1989, p.325). Alcoholics not only suffer from the disease itself, but from the affects of how society regards them. This is particularly true of women. Throughout recorded history, women have been subjected to separate norms in prescribed drinking standards (Blume, 1991). The predominant historical view of women who drink has been one of immorality, looseness, sexual promiscuity and social failure. This social image continues despite an absence of supporting empirical data. Consequently, "research on the nature of alcohol problems in women is scarce, because scholarly interest in female alcoholism has mirrored the cultural view that alcohol abuse is a male problem" (Turnbull, 1989, p.364). This is compounded by the fact that women do not present for treatment as readily as men, experience powerlessness and depression, fear criticism and stigma, and are fraught with issues of low self-esteem and self worth.

In many cases, women alcoholics are victims of sexual childhood abuse which further deepens the elements of shame and self-hatred - a vicious cycle perpetuated by the self-defeating coping mechanism created by alcoholism (Burman & Allen-Meares, 1991).

Researchers have focused on male samples, developed male-as-norm models, and assumed that female alcoholism should be treated accordingly (Wilke, 1991). Theorists and policy makers are predominantly male - individual characteristics of women and their needs has largely been ignored. Research on different types of programs or services which could be matched to a woman's needs has shown that there are few alternatives available (Burman, 1994). Federal funding for alcohol research continues to place minimal attention on women; repeated attempts to increase funding have been met with political resistance resulting in delayed or negated policy initiatives such as the Women's Health Equity Act of 1996 (H.R. 3187, Sec 2593).

The barriers to recovery which women face are numerous. Limited financial resources, lack of child-care, threat of separation from children upon alcohol identification, potential abandonment from husbands, limited or no access to employer-paid treatment provided by larger industries, rejection from family members, affordable legal counsel, and ultimately, rejection from society as a whole (NIH/NIAAA, 1990; Beckman, 1984; Burman, 1994). They experience greater psychological problems, conflicts of social role identity, and health issues related to this disease. They progress more rapidly through a phenomenon called "telescoping" which results in an accelerated advancement of liver, heart and oncological diseases (NIH/NIAA, 1990; Wilke, 1994). Death rates of women alcoholics are 50 to 100 percent higher than males, and in more recent studies, it has been shown that problems with gynecology and obstetrics exacerbate drinking patterns (NIH/NIAA, 1990; Rhodes & Johnson, 1994). The fallacy that women constitute a small portion of the alcoholic population was eradicated when a longitudinal study conducted by the National Center on Addiction and Substance Abuse found that women alcoholics are closing the gap with men (CASA, 1996).

With such prevalent information, and concurrence by researchers and scholars in this field, why do specialized programs for women alcoholics continue to be such an elusive and unattainable reality? While it is true that there are centers which cater to women, the models used rest on the male-as-norm bias. While it is also true that a "woman focused" model for recovery does exist, its acceptance and integration into the norm of treatment is still stymied by numerous political and socio-economic barriers. The "feminist integrated" model has been found to be the most effective long-term system of recovery for women. The "backlash" against full implementation of the feminist-integrated model is both a personal and a political issue - a complex conundrum based not only on the history of recovery, but the reluctance of society to re-construct its views toward women.

TREATMENT OPTIONS THEORETICAL APPROACHES

The Moral Model

At the time when Alcoholics Anonymous (AA) was created, society held fast to a "moral model" that maintained the problem could be easily overcome by willpower. Co-founders Bill Wilson and Dr. Bob Smith proved that this was simply not the case. However, the insidious and deeply held cultural belief that alcoholics have a choice is strongly reflected in our justice system and in "Just say No" campaigns; increased coercion and punishment as a countermeasure to this disease are "treated as willful misconduct (Miller & Kurte, 1994). An enormity of shame, guilt and self-degradation are present in persons who suffer from alcoholism - particularly true of women. In its early years, even AA "opposed the admission of women alcoholics into the initially all-male (meetings)" because "nice women were not supposed to be drunks" (Blume, 1991, p.140).

The Disease Model

In 1960, Jellinek authored the "Disease Concept of Alcoholism" which broke new ground as a theoretical model (Calobrisi, 1976). Jellinek "credibly formulated alcoholism as a progressive, chronic and potentially fatal illness" which lead to an eventual acceptance by the American Medical Association (Calobrisi, 1976, p. 121). The disease model impacted a better understanding of this condition and aided in markedly reducing the stigma attached to alcoholics. One of the most important influences of its acceptance was the establishment of the National Institute of Alcohol Abuse and Alcoholism (NIAAA) under the umbrella of the National Institute of Health (NIH). In 1970 legislation apportioned funding for research, development of new treatment centers, programs focused on prevention/education, personnel training and occupational programs.

The disease model is characterized by four central assumptions: 1) Alcoholism is a unitary disease; 2) Its causes are strictly biological - psychological factors are only symptoms of the physical responses to ethanol; 3) The principal symptom of alcoholism is the inability to stop after the first drink; and 4) Alcoholism is incurable (Miller & Kurtz, 1994). While the disease model suggests ancillary support groups such as AA and psychotherapy, its primary focus is a medical one, with a strong emphasis on illness, and the inability of the alcoholic to "bear any responsibility for their problems" (p. 161).

For all its strengths, the disease model does not take women's issues and unique needs into account. It was not until 1996 that the NIAAA began to delve into treatment concerns for women alcoholics and called for more current research data - a full sixteen years after its creation. According to the prominent feminist researchers in the field, women's socialization process has relegated their role to a dependence on authority and subordinate position: Given the enormous impact of lack of control over her life, self-esteem issues, and diminished empowerment in a social context, the disease model runs the risk of enforcing these ingrained beliefs (Burman, 1994; Wilke, 1994; Moyar, 1987). It is perhaps for these reasons that alternative approaches to treatment for female alcoholics is being more thoroughly examined and supported by the recovery community.

Alcoholics Anonymous

The bedrock of Alcoholics Anonymous (AA) is a spiritual base upon which is built a network of compassion and trust between two, or more, alcoholics who assist each other on a day to day basis to maintain sobriety. It is a program which teaches alcoholics a way of living and dealing with "life on life's terms" accomplished by "letting go and letting God." The assertion of a daily reprieve from the "cunning, baffling and powerful" disease is based almost entirely on the dependence of a Higher Power: "Without help it is too much for us. But there is One Who has all power - that One is God. may you find Him now" (AA, 1939, p. 59). Alcoholics Anonymous is a program of self-growth and self-nurturing supported by a spiritual psychology unmatched by any other recovery model.

Strong criticisms have been launched at Alcoholics Anonymous with regard to women alcoholic's membership in the program. These include: The sexist language in the literature; the gender-bias approach to the overall philosophy; the concept of "powerlessness" as purported by AA which has a propensity to enforce a woman's lack of self-esteem issues; the promulgation of self-sacrifice which demeans a sense of validation, inherent strength, and self-reliance; and sex-role, inter-relationship issues regarding mixed gender attendance in meetings (Rhodes & Johnson, 1994; Wilke, 1994; Lutz, 1991; Kaskutas, 1990; Burman & Allen-Meares, 1991; Burman, 1994). Over the past ten years, all-women AA meetings have been created with increasing popularity which may reflect a response to these criticisms, as well as the call from alcoholic women themselves for their unique needs.

THE FEMINIST-INTEGRATED MODEL

Women for Sobriety

In 1975, Jean Kirkpatrick, a PhD in sociology and a recovering alcoholic founded Women for Sobriety (WFS) as an alternative to AA for women who felt uncomfortable with its program and as a compliment to AA for those who felt the need for additional support (Kaskutas, 1990). The philosophical base of WFS is centered solely on women's unique needs in recovery, and as such, represents the only existing program made by and for women alcoholics in the United States. However, membership is very low, (5,000 in 1990), and access to WFS is limited (1990). Unlike AA, WFS does not have a far-reaching arm to every city or town in each of the states. Nor is it widely publicized, and even the most informed social worker is not aware of its existence.

The Feminist-Integrated Model

The influence of the feminist movement and the development of feminist therapy as a counter-action to a predominantly male dominated view of the therapeutic intervention process has begun to permeate empirical research and recovery literature. It has been a slow process, with many set-backs arising from a "backlash" against the advances made in the 1970's. Feminist therapy embraces a personal and a political model: It seeks to listen to women respectfully, absent the labels of "hysteria" or "crazy"; expression of strong emotions is not belittled or denied; it affirms a position of solidarity with the client; believes that self-love is the basis for love of others; assumes a role of outreach and advocacy; and challenges the current social and economic arrangements imposed upon women (Chesler, 1997; Morell, 1996; Nelson-Zlupko, 1995).

The integrated model of feminist therapy with women alcoholics offers basic guidelines to eliminate existing barriers for sobriety: (1) Provision of child care during recovery. Preferably, child care should be on-site, however, adequate, safe and/or affordable child care is essential. (2) Therapeutic and medical interventions which focus on self-esteem, self-empowerment, self-nurturing and full physical examinations combined with an educational process regarding the disease. (3) Access to financial resources during treatment. (4) Provision of after-care services, including treatment for children and other family members. (5) Legal assistance for criminal and civil matters. (6) Employment and skill training, including vocational rehabilitation, job seeking supports, financial management, and communication and assertiveness training. (7) Establishment of community and environmental supports, self-help groups, recreation and leisure activities. (8) Therapeutic support for issues regarding incest survival, and sexual assaults. (9) Spiritual support and direction through church or other resources - a woman's spirituality has been found to influence her resistance to relapse through a sense of intra and inter-connectedness (Beckman, 1984; Reed, 1987; Hennecke & Fox, 1988; Turnbull, 1989; George, 1990; Burman & Allen-Meares, 1991; Burman, 1994; Rhodes & Johnson, 1994; Sandoz, 1995; Morell, 1996; Chesler, 1997). The majority of these authors remind the reader that most of these basic provisions are standard program initiatives for men.

Therapeutic Approach

The feminist-integrated model affords the most comprehensive approach to treatment for women alcoholics. It rejects completely the moral model as one which subjugates women into a service-role both socially and inter-personally. With regard to the disease model, it takes a dualistic view: On the one hand, the establishment of alcoholism as a unitary and biological phenomenon which is incurable is supported; on the other, it rejects the notion that the individual is "sick." With an already dependent belief system, this frame is considered to be counter-productive for women alcoholics. It supports the overall ideal of the 12-step program of Alcoholics Anonymous, but maintains reservations regarding "powerlessness."

Programmatic Approach

Understanding that women have unique psychological issues, the feminist-integrated model calls for all-women support groups as part of the recovery process.

Programs which are run by an all woman staff are the ideal - however, the idea is hard to realize. Economic constraints, ever-tightening budgets, continuous cut-backs and reluctance to fund treatment programs, with a preference for incarceration, are just some of the barriers to systematic program implementations. Be that as it may, the feminist model has influenced even the most arcane of treatment centers - women's support groups or meetings have become standard procedure. This alleviates the sex-role complications which may arise in mixed-gender groups, considered to be a significant psychological barrier to sobriety (George, 1990).

Of considerable debate, and as of yet, unresolved, is the issue of child care for women alcoholics in treatment. Many women's treatment centers are adamant that a resident be separated from her children in order to focus on her own issues related to alcoholism. However, the counter argument to this programmatic framework is that women separated from their children experience intense anxiety, shame and guilt, are more prone to relapse, and will forego treatment due to lack of child care services or supports, for fear of losing the children (Beckman, 1984; Reed, 1987; Saunders, 1993; Burman, 1992; Abbot, 1994; Nelson-Zlupko, 1995).

VOICES OF WOMEN

Friendly House, Los Angeles

Friendly House is the first women's residence in the U.S., founded in 1951 by Bea Jorgenson. For many women who enter here, it is the last chance. Housing an average of 16 women, ranging in ages from 18 to 65, it embraces what can be called the "social model", but which encompasses almost all the prescriptions of the feminist-integrated model. The residential program affords a woman to live in a peer community of fellow recovering alcoholics and addicts, to learn respect, trust, love, emotional security and financial security. No one is turned away if they lack funds. The estimated success rate of 70% is reflected in the longevity of the treatment. An interview of a former resident, who is now a staff member, was conducted on site. The following encapsulates many of the dynamics of a woman-centered treatment center.

Rachel's process through recovery included numerous stays at hospitals where discharge after 30 days led her straight back to her addiction. "Healing takes more time than that," she said. Friendly House was her last chance, and her only opportunity to get her children back through a court order. Her experience is like so many women who she now cares for. Court ordered, and ready to make a life-changing commitment to sobriety, the residents come from all walks of life. Many have experienced physical abuse, many sexual abuse or incest, almost all have eating disorders. As Rachel stated, "They have constant misperceptions of self." Manifested in their addictions. More and more, the residents coming to Friendly House are getting younger and younger - the average age is 20-something. More and more, alcohol is becoming secondary to the abuse of drugs - crack, heroin, and meth-amphetamine - the latter a pandemic in Los Angeles.

Friendly House is supported almost entirely through private funding from the community - the average cost of housing a woman is $1,200 - a minimal figure compared to approximately $10,000 at the Betty Ford Center. Grants are written, but as is so often the case, funding for women in recovery are not easy to come by.

One of the most alarming reflections that Rachel shared was the absence of any laws protecting women with regard to child-custody. The court system is fraught with a male bias which places both the financial and social onus on a woman - to prove that they are worthy mothers, capable of raising their children. She herself spent five years trying to get her children back, wiping out her savings in the process, only to lose them permanently. She stated that the stigma was unfathomable. Not only do women have to prove that they are no longer "fallen", they must abide by the constant double standard inherent in our litigious society - men in similar situations are spared the moral outrage of a judge and are granted visitation rights as par for the course. Women are denied, consistently. Further, as defendants, women are subjected to constant stays and extensions of hearings. Months will go by before their voices are heard in court, at great expense. Legal aid is not available to women who are only slightly above the poverty line - private counsel runs an average of $1,000 per day.

Friendly House stands out in its programmatic and environmental structure. As Rachel stated, "We are a microcosm of society here, a "family" of support, safety and love." The women reach out to each other, learning to nurture themselves, and in doing so, extending healing to their fellow residents.

It should be noted that in Los Angeles County, with a population of over 13 million people, Friendly House is the only woman-focused resident treatment center. One of a mere handful in the entire United States.

Gratitude House, West Palm Beach, Florida

Established in 1968 by six women who pooled together $23, Gratitude House is one of the few feminist-integrated models in the United States. Treatment stays range from three to six months, on-site care for children is available, and with newly acquired HUD funding, a "safe house" for HIV positive recovering women has recently been built. For most of the women entering Gratitude House, this is the last stop before "insanity or the cemetery." 90% of this population are homeless or indigent, unemployed and destitute. Education ranges from 4th grade to the master's level. The estimated treatment success rate is approximately 65%, considered to be high in the field. However, as the Executive Director was quick point out, increased funding for longer treatment stays would raise the success rate. An approved bill on the floor of the Florida Senate which would have increased appropriations for women's facilities in the state, was shot down at the eleventh hour. "The old boys network wasn't having any of that..... despite the fact that the Governor had approved it," stated the Executive Director.

An interview of twenty women (residential and day treatment) was conducted on site. The following summarization reflects their voices, expressed needs and perceptions regarding the problems inherent in "the system."

Six women stated this was their first time in treatment. "I'm here for myself," said one, "and to be the mother my child needs." "I was beat so bad by the drugs and my man, I had nowhere else to go..... it's for me, it's for my kids," said another. All six said that it was this, or death. Two women had run into problems with the legal system, and one woman, HIV positive, said that when she was told her blood tests were positive, she "figured I'd die anyway, so I went out and got high for two weeks, but they took my babies away..... and that was worse than dying." The majority stated that they had been in and out of treatment over the years with episodes of clean time, followed by relapse. "Thirty days don't cut it," said one. "They don't give you no time to get well. They clean you up, and throw you right back on the street. And what are we going to do then? Right back to it, that's what," said another.

The stories these women shared were filled with pain, with hopelessness and with destitution. But Gratitude House was offering them an opportunity to heal, deal with multiple issues surrounding their disease, and giving them a chance to live again. "I may be HIV, but if I'm clean, then I can live longer. I got a chance, and I'm not going to mess it up again," said one woman. Almost all of the women stated that this program was a miracle, compared to their other experiences. "Those other places, those detoxes, they put you in with the mens, they talks down to you, and the womenses, they ain't got a chance. No chance. 'Cept to go right back out and use. They make you feel so bad," said one. Most concurred this too was their experience. And several stated that in addition to a hostile attitude toward women, sexual abuse was not uncommon by the counselors or the male residents.

When asked what they thought needed to be changed in terms of recovery practices and policies, the voices raised were virtually unanimous: Housing! After Care! Further discussion revealed the supports for post-treatment were essential. Education was also a high priority. The women stated that Gratitude House provided virtually all the things they needed. "We get help with legal stuff, with employment and GED, with our food stamps, our literacy, and the courts. And the counselors are here to help us with all the dysfunction's we experienced growing up. But you know, this place is special. If the first place had been like this, I probably wouldn't have relapsed," said a young mother of three.

Collectively, the women said that if they could make decisions, they would make sure more money went into treatment and prevention, and would create sober community centers in every neighborhood to help women with their substance abuse, alcohol and life issues.

Gratitude House is one of the few feminist-integrated models in the U.S. It assures that all nine recommended guidelines are implemented, and includes an additional focus on those women with HIV positive status. With a majority of homeless and indigent women in treatment, it stands out as one of the few comprehensive centers for this population. But new constraints being proposed by the managed care community threaten this unique program – get the residents in and out in less time with a higher rate of success, or no funding. As the Executive Director stated: "Everyone is on a different page, and they're all talking fruits and vegetables." She emphasized that without a comprehensive understanding of the issues, of what is involved in getting clean and sober, and *long term treatment* funding, the existing system is just pushing women right back out onto the streets, and closer to death.

Policy Implications

For over four decades, the needs of women alcoholics has been virtually ignored by the mainstream recovery community. Only a handful of treatment centers exist in the U.S. which serve this specialized population. While stigma and ingrained social values are a large part of the barriers to wellness, the legislative and programmatic needs for recovering women must be addressed.

To date, no comprehensive laws or programmatic structures have been created to ensure the safety, security, and emotional support for these women. Attempts to develop a systematic and comprehensive format for the development of women-centered, feminist-integrated recovery centers have been forestalled by lack of funds, and the insistence of the larger paradigm that women can be treated in the same manner as men.

A redistribution of funding channeled to the "war on drugs" must be altered to focus more specifically on research and treatment implementations for recovering women. Legislation protecting women's rights to long-term health care, absent the current punitive outcomes, must be changed. Splintered efforts and interests of women's groups and the recovery community should be unified to reflect a coalition of mutual interests. Until these changes are made, we will continue to see the perverse "backlash" against women's right to health care - and the ever-increasing numbers of women entering a revolving door of relapse and ineffective treatment.

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SHIFTING THE MODEL TOWARD EFFECTIVE HEALTH PROMOTION FOR LARGE WOMEN

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ABSTRACT

Health professionals most often approach health promotion for large women in the context that health improvement can only be attained through weight loss. Working in the paradigm, *weight loss at any cost*, has been the only health intervention strategy thrust upon many large woman. A paradox exists, however, when the notion that thinness=health is accepted unequivocally, in spite of the lack of scientific data to suggest that a majority of overweight women can attain and maintain an average body weight. On the other hand, there are data indicating that overweight women can become healthy without losing significant amounts of weight. It is suggested that the outcome parameters used to evaluate the success of intervention for large women be specific to disease risk and symptomatologies and not limited to medically ambiguous variables like body weight.

Americans are preoccupied with losing weight and being thin, and health care professionals are often the leading voices in promoting this goal as a critical component of health. Although therapeutic objectives like reducing disease risk, ameliorating disease symptomatology, building self-esteem, or increasing functional capacity are often stated as goals for intervention, the immediate measurable outcome variable of body weight becomes the focus of intervention, while the original health-related objectives disappear (1).

As early as 1959 it was concluded that dieting was ineffective for 99% of obese patients in a hospital nutrition clinic, and that many of these patients gained back more weight than they lost (2). Later studies seemed to confirm that weight-loss intervention for the obese was ineffective (3,4). The latest NIH Technology Assessment Conference Panel on Methods for Voluntary Weight Loss and Control also concluded that attaining and maintaining a reduced body weight was out of reach for the majority of overweight Americans (5). The most recent meta-analysis of the past 25 years of weight loss research revealed that short-term weight loss through diet and/or exercise amounted to about 11 kg, with one-third to one-half of this weight being regained after one year (6).

In spite of the dismal data on the effectiveness of weight-loss therapy, body mass index [BMI, weight (kg)) height (m^2)] remains the only outcome parameter to measure successful health intervention for large woman (1). The reason for using BMI as the parameter for successful intervention is because research has associated increasing BMI with higher risk and prevalence of disease. However, it seems like the criterion cutoff for overweight continues to decline, depending upon who happens to be setting the criterion. For example, the National Center for Health Statistics defines the cutoff for overweight at a BMI of $27.8 for men and $27.3 for women (7), while the World Health Organization criterion for overweight is a BMI $25 for both men and women (8). A BMI of 24 or above is cited as a risk factor for the weight-related illnesses of diabetes, heart disease, cancer, and stroke (9). Similarly, a BMI of 23 is supposed to increase one's risk of hypertension, whereas a BMI of $22 is expected to increase one's risk of diabetes (10). Researchers from the Nurses Health Study claim that a BMI of 19 is the weight-related cutoff to avoid all-cause mortality in women (11). On the other hand, a women with a BMI below 18.5 is classified as undernourished, with a chronic energy deficiency (12,13).

Therefore, to be considered healthy by both standards, a woman must have a BMI between 18.5 and 19.0. This means that a 5'6" woman is not considered risk-free unless she weighs between 114 lb and 117 lb, and stays that way for life. This is an impossible narrow standard for any woman to try to maintain throughout her life, much less a health standard to recommend for all women. Setting weight standards and goals has done little to improve health status—in fact many would say it has had just the opposite effect (10).

Data from Rand and Macgregor illustrate this point (14). Severely obese persons (n=47) who had gastric restrictive surgery, and successfully maintained a 45 kg weight loss for >3 y, were asked if they would prefer their former size to several other disabilities. Every single one of these patients preferred being deaf, dyslexic, having diabetes, and having heart disease to being obese. Amazingly, 92% out these patients preferred leg amputation over obesity, and 89% of them would rather be legally blind than obese. These data clearly show that society's perceptions about weight and disease risk has become so distorted that we would rather lose the weight and keep the diseases than lose the diseases and keep the weight.

Recent evidence suggests that behavior, rather than weight, is strongly associated with disease risk and mortality. Researchers from the Cooper Institute for Aerobics Research followed 25,389 men of varying fitness and fatness levels for an average of 8.5 y to determine the relationships among fitness, fatness, and mortality (15). When the men were grouped by tertiles according to BMI (normal weight, overweight, obese) and then stratified according to fitness level (low, moderate, high), it became clear that mortality rates decreased in direct relation to fitness level. Furthermore, the fat men who were moderately-to-highly fit had the lowest mortality rates (15). Other studies have shown that obese persons can obtain a healthy profile in spite of remaining obese. Obese women who participated in a 29-month low-fat diet plus exercise program had blood cholesterol and triglyceride levels that were similar to nonobese women (16). Plasma glucose and insulin levels during a glucose tolerance test were also the same for the obese and nonobese groups (16). Similarly, we have found that blood cholesterol, triglycerides, systolic blood pressure, diastolic blood pressure, and resting heart rate in obese women all dropped from an abnormally high range to the normal range following 6 months of a healthy eating and exercise plan, in spite of the fact that these women remained obese after the intervention (17). Most recently, researchers have shown that a 7-day aerobic exercise program can improve insulin sensitivity in obese women, independently of changes in fitness level, body composition or body weight (18). All of these data suggest that disease risk and symptomatology are more closely related to health behaviors than to body size, per se.

Thus, the *diet and exercise to lose weight* paradigm should be replaced with a new paradigm—*healthy lifestyle at any body size*. This new paradigm can easily be adopted if health professionals consistently work with people to help them change behaviors in order to improve their health, not decrease their weight. The most recent position stand of the American Dietetic Association on weight management suggests adopting this new paradigm. The Association states (19),

> *The goal of obesity treatment should be refocused from weight loss alone to weight management, which means achieving the best weight possible in the context of overall health. Weight management is defined as the adoption of healthful and sustainable eating and exercise behaviors indicated for reduced disease risk and improved feelings of energy and well-being... The challenge to dietitians is to teach persons how to be healthy without restriction and deprivation and to reverse the distorted cognitions regarding food as good or bad... Health care professionals should counsel clients to help them reduce their focus on weight loss and food and establish a more constructive focus in life. This*

may include counseling about self-esteem and body image, and how to cope with the societal pressure to reduce to an unrealistic weight.

A push to educate the professional as well as the public about the realities of health and weight comes from the Federal Trade Commission. The Bureau of Consumer Protection of the Federal Trade Commission, in conjunction with the American Society for Clinical Nutrition, the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention have sponsored a conference that has resulted in the formation of a coalition called the Partnership for Consumer Guidance on Weight Management. This partnership consists of consumers, scientists, government, media, and health care providers whose mission is to provide guidance on how to select appropriate methods to achieve and maintain a healthy weight. At their March 1998 meeting, the Partnership concluded that there were four critical messages relevant to weight and disease that must be brought to the consumer as well as to the health care provider. Notice that weight loss was not one of the critical messages to be emphasized.

1) Healthy weight management will be achieved only through improved eating and activity patterns
2) Sustained small changes can produce big payoffs
3) Maximize health at any size
4) Seek improvement, not perfection

We have adopted the new paradigm into our healthy weight management programs at The George Washington University Women's Exercise Research Center. At the Center we work under a behavioral model called *Negotiated Peace*—theory being that to make a successful behavioral change a person must negotiate between what the intellectual being knows is healthy and what the emotional being needs. Each new eating, exercise, and weight-related behavior is established only after the intellectual and emotional beings negotiate. For example, taking an aerobics class five days a week at the neighborhood gym may seem like a wonderful decision to the intellectual being, who is knowledgeable about the health benefits of aerobic exercise. Whereas, to the emotional being, who is intimidated by exercise, feels uncomfortable around the petite instructor, feels embarrassed about her fitness level, and is ashamed of her large-size body, an aerobics exercise class at the neighborhood gym seems like a dreadful idea. Thus, for exercise to become a newly formed habitual behavior, the intellectual and emotional beings need to negotiate patterns of exercise behavior that are satisfying to the intellectual being as well as comfortable for the emotional being. If this negotiation does not occur, then the person will flip back and forth between exercise and nonexercise behaviors, depending upon who is stronger and in control at the time—the intellectual or the emotional.

Under the new paradigm, any universal health intervention strategy for the larger woman should be one that would be beneficial for the whole population, one that focuses on developing healthful behaviors, and one that uses behaviors and/or disease symptomatologies, not body weight, as outcome variables to evaluate the effectiveness of intervention.

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PUBLIC HEALTH ROLES PROMOTING THE HEALTH AND WELL-BEING OF WOMEN

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ABSTRACT

Fundamental to the health of the population is public health's longstanding emphasis on social equity, and it's overarching attention to social, environmental, and behavioral factors. This perspective is significant, particularly given the need to consider the multiple aspects of health unique to women. Public health programming has evolved to address a number of population concerns, such as family planning, and domestic violence, that hospitals or office-based medical practice on their own could not. Ten essential public health services are operationalized for selected health issues specific to women. Current policy concerns are discussed including coordination of governmental efforts, the funding base necessary to ensure public accountability for health systems monitoring and population-based prevention, and sorting out of public- and private-sector roles with respect to population health and prevention.

While the vast majority of health services for women are clinical in nature and are provided in the private sector, core public health functions — including surveillance of health status and needs, population-based health education and promotion, screening, standards development and quality monitoring, as well as gap-filling personal health services — remain important to the overall system of health care for women over the lifespan. Over the years, a number of health issue-specific initiatives and services have been developed, primarily through agencies of the US Department of Health and Human Services, but also within other cabinet agencies such as Agriculture, Justice, and Labor. These activities pertain to all levels of government: many are implemented at the state and community level under the auspices of state and local public health departments, but frequently also via non-profit community agencies. Such concentrated public efforts have been created primarily as categorical programs addressing a broad range of concerns such as family planning, adolescent pregnancy prevention, smoking and drug and alcohol abuse, sexually transmitted disease services, prenatal and perinatal care for women and infants, nutrition, domestic violence prevention, and cancer prevention and early detection. Public health programming in these areas has evolved to address population concerns in ways that hospitals or office-based medical practice on their own could not.

With its mission to "fulfill society's interest in assuring conditions in which people can be healthy" (IOM, 1988) public health agencies nationwide implement functions of assessment, policy development, and assurance. Fundamental to improving the health of the population is public health's longstanding orientation to social equity issues as well as its overarching perspective that addresses population health in the context of social, environmental, and behavioral factors. This perspective is significant, particularly given the need to consider the social and developmental aspects of health unique to women.

The purpose of this paper is to illustrate, through several examples, ways in which public health activities are important in improving the health and well-being of women. Our aim is to provide a foundation for exploring the range of needs and opportunities for a focus on women's health within public health. This discussion should not be construed as documentation of effective women's health programming in the public sector. Rather, our intent is to propose a set of ideas which may be useful in guiding deliberations on the structural features of the health care system in relation to women's health concerns.

ACCOUNTABILITY FOR THE HEALTH OF THE PUBLIC: THE HEALTH OF WOMEN

While attention to the individual components of health and social service system are critical, the role of government in building, organizing, and maintaining activities and services that protect, promote and preserve the health of its population is often not well-articulated or understood. Public health aims to assure that both population-based and direct personal health care services are provided in a comprehensive, coordinated, high-quality manner that is accountable for its actions. Moreover, while private sector enterprise (including managed care organizations and large corporations/employers) make welcome contributions in the areas of disease prevention and health promotion (Halverson et. al., 1997; Muchnick-Baku, 1997; Darby, 1997), overarching accountability for the health status of the population remains a public sector responsibility. Such accountability is codified in both state statutes and local ordinances in all areas of the country. Both concerns for the health of individuals and population groups not engaged in the health care system (uninsured persons, other socially, culturally, legally, and/or economically disadvantaged groups) and for primary prevention undertaken in relation to environmental matters and social policies affecting the entire population require the broad, objective view, and span of authority of government.

Governmental roles include assuring an organizational locus for policy formulation and coordination of initiatives and services at the federal and state levels, as well as partnerships with professional organizations and research institutions to set standards and monitor the quality of health and social services whether provided in the private or public sector. State and federally-sponsored demonstration and research programs prompt the discovery of new strategies for improving health and well-being of populations of concern. Governmental surveillance of the health status of the population provides the information needed for sound policy development, and alerts the field to emerging issues about which society needs to be concerned. Moreover, government functions related to environmental and global policies, such as in the areas of tobacco use, quality of public water supplies and control of toxic waste disposal, and safety of and access to firearms, play important roles in improving population health through primary prevention. Health and safety in employment settings are promoted through development and monitoring of workplace standards by the Occupational Safety and Health Administration.

While we don't yet have a precise or comprehensive understanding of the mechanisms by or extent to which public health activities impact population health, we do know that the determinants of health are largely found in environmental, behavioral, biologic, genetic, and socioeconomic factors (Aday, 1993; McGinnis & Foege, 1993). Moreover, several cross-national studies have documented improved overall health status in countries where a strong population-based public health infrastructure exists alongside universal medical care access (insurance) and primary care services (Shi, 1995; Starfield, 1991; Anonymous, 1990).

Over the past decade the core functions of public health — assessment, policy development, and assurance — have been operationalized with some variation (Handler et al., 1995; Miller et.al., 1995). Grason and Guyer have translated the U.S. Public Health Service's "Ten Essential Public Health Services" into a framework specific to maternal and child health (Dievler, Grason & Guyer, 1997; Grason & Guyer, 1995). In Table 1, we present an adaptation of those functions as they specifically relate to the health of women from the onset of menarche through the perimenopausal years.

This framework can serve as a useful tool for giving consideration to the question, *what is needed to ensure public accountability for the health of women?*

Examples of Public Health Programming Specific to Women's Health

In this section we provide two examples of where and how public sector functions contribute to the promotion of women's health. Our first example focuses on governmental activities related to breast and cervical cancer, which, though relatively 'young' are developing quite rapidly. With respect to sexually transmitted diseases — our second example — government accountability is longstanding, albeit more diffuse in implementation. Table 2 outlines examples of public health functions, activities and services specific to these two women's health concerns. The examples provided do not comprehensively catalogue public health functions, but rather present a picture of selected public health programming initiatives related to women's health.

Breast and Cervical Cancers

Until the mid-1980s, most insurance plans did not cover mammograms. During the final several years of the decade, however, states increasingly mandated coverage by commercial insurers and HMOs, such that by 1992, 42 states had legislation in place. Self-funded insurers, which constitute close to 50 percent of all employer health plans, however, are exempt from such requirements under protections from ERISA legislation. Medicaid and Medicare now cover mammography screening, however low reimbursement rates in many areas continue to limit private sector involvement in screening low-income women for breast cancer.

Table 1. Ten Essential Public Health Services to Promote the Health of Women in America

1. Assess and monitor the health status of women of reproductive age to identify and address problems.
2. Diagnose and investigate health problems and hazards affecting women through their reproductive years.
3. Inform and educate the public and families about women's health issues.
4. Mobilize community partnerships between policymakers, health care providers, families, the general public and others to identify and solve the health problems of women.
5. Provide leadership for priority-setting, planning and policy development to support community efforts to assure the health of women and their families.
6. Promote and enforce legal requirements that protect the health and safety of women, and ensure public accountability for their well-being.
7. Link women to health and other community and family services, and assure access to comprehensive, quality systems of care.
8. Assure the capacity and competency of the public health and personal health work force to effectively address the health needs of women of reproductive age.
9. Evaluate the effectiveness, accessibility, and quality of personal health and population-based health services for women.
10. Support research and demonstrations to gain new insights and innovative solutions to the health-related problems of women from the time of menarche through the perimenopausal period.

Table 2. Examples of Public Health Functions and Activities Related to Two Specific Women's Health Concerns

Public Health Function/Activity	Cervical & Breast Cancer	Sexually Transmitted Diseases
Assess & Monitor Health Status	Enhance state & local utilization of data from the national breast & cervical cancer surveillance system to monitor incidence, stage at diagnosis.	Analyze national health risk behavior survey data to improve design & targeting of STD prevention education initiatives.
Diagnose & Investigate Health Problems and Hazards	Conduct epidemiologic reviews of high incidence areas and populations.	Implement partner identification activities to define the scope of disease spread in the population.
Inform & Educate the Public	Produce and disseminate culturally appropriate information in community agencies (e.g., senior centers, YWCAs) to improve risk awareness and encourage women to seek screening consistent with recommended guidelines.	Provide resources and technical expertise for the implementation of national and local public information campaigns to raise awareness of the importance of safe sexual practices.
Mobilize Partnerships	Maintain national and local partnerships among the Centers for Disease Control & Prevention, American Cancer Society, Young Women's Christian Association, National Association of Breast Cancer Organizations, and National Cancer Institute.	Support community/grassroots consortia to promote local responsiveness to the broad spectrum of health, income, housing, & social support services needed by HIV infected women & children.
Leadership for Planning & Policy Development	Designate resources and program authority to assure implementation of the National Strategic Plan for the Early Detection and Control of Breast and Cervical Cancers.	Convene & support statewide commissions focused on STDs/HIV to heighten public & professional attention and to guide policy development & resource allocation based on scientific evidence.
Promote & Enforce Protections, & Ensure Public Accountability	Establish medical advisory committees and dedicate state health agency resources to monitor mammography & cytological services consistent with the Clinical Laboratory Improvement Act of 1988 (CLIA) & American College of Radiology Standards.	Work with professional & hospital organizations to ensure compliance with standards for confidential management of required reporting of STD case information.
Ensure Access to & Linkages Among Services	Establish systems under the National Breast & Cervical Cancer Early Detection Program to provide care efficiently from screening, to diagnosis & followup care.	Address federal categorical funding practices to promote greater integration of STD, family planning, & HIV/AIDS services.
Assure the Capacity & Competency of the Public and Personal Health Work Force	Develop educational curricula for primary care physicians & other health care providers, as well as training materials and reminder systems.	Promote policies & implement training for physicians to enhance counseling for pregnant women regarding the risks & benefits of HIV testing.
Evaluate Personal and Public Health Services	Identify barriers and factors facilitating the use of health services.	Provide technical expertise to entities such as NCQA & FAACT in the development of indicators/benchmarks for monitoring the delivery & quality of STD/HIV services provided in managed care organizations.
Support Research and Demonstrations	Fund clinical trials to determine treatment outcomes.	Allocate discretionary resources for the development & testing of new contraceptives which are effective in both preventing pregnancy and protecting against exposure to STDs.

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The Breast and Cervical Cancer Mortality Act (PL 101-354), enacted in 1990, represents one of the largest federal efforts in chronic disease prevention and control (Henson, Wyatt & Lee, 1996). The Act is designed to reach low-income and minority women with improved access to screening and services (MMWR, 1996). Spearheaded by the Centers for Disease Control and Prevention (CDC), state-based efforts implemented under the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) are designed to institutionalize early detection and follow-up services for all women. Beyond screening services, these full-service programs include awareness strategies, professional education, quality control, surveillance systems, and program evaluation. While the program is aimed specifically at low-income women, resulting improvements in resources, quality, and public and private partnerships benefit women all women. By 1998, all 50 states, the District of Columbia, five U.S. territories, and 15 American Indian and Alaska Native tribes and tribal organizations were implementing programs (CDC, 1998).

States receive funds under the NBCCEDP for clinical breast and pelvic exams, screening mammograms and Pap tests. Each state has designed screening systems congruent with both the unique characteristics of its health care system, and of its specific target populations. At the local level, a range of public, private, and community partnerships have evolved and designed appropriate population approaches to education, outreach and screening, including mobile mammography units and clinics, vouchers, special hospital clinics and same-day appointments. Studies looking at how to best reach underserved women with cancer screening suggest appropriate messages and materials and integrated programs are important (Vellozzi et al., 1996). In developing the public education and outreach component, the program places considerable effort on ensuring materials generated are culturally sensitive and aimed at the appropriate educational level. In Massachusetts, for example, materials were developed on the basis of focus groups with older ethnic women and were produced in four languages (Henson, Wyatt & Lee, 1996).

Follow-up with women having abnormal test results, in particular, has been challenging and has required a great deal of effort. Many states dedicate staff positions specifically for oversight of information management systems (Henson, Wyatt & Lee, 1996). For example, the State of Colorado is implementing a statewide management sỹstem that includes all women who receive a mammogram whether through the public or private sector. Once a woman's name is entered in the database, she will be tracked for her lifetime while residing in the state. The system also sends reminders to providers to enhance re-screening of women.

State health agencies undertake activities to improve quality assurance in mammography and cytological services. Medical advisory committees have been established to coordinate state technical assistance, assist with training, develop clinical protocols and develop guidelines. CDC is working through professional organizations to implement a broad national strategy which provides resources for the development of training materials, physician reminder systems, and educational curricula for primary care physicians in the areas of screening, quality assurance, communication, and counseling.

Each year the number of women screened under the program has increased. Through March 1997, 1,327,192 screening tests were provided: of these, 732,756 were Pap tests and 594,436 were mammograms (CDC, 1998). Penetration rates into the overall population of women remain low, but the program now reaches many women who would otherwise experience late detection.

Sexually Transmitted Diseases

Populations at high risk for STDs are highly diverse, and include minorities, adolescents, sex workers, migrant workers, prisoners, women with mental illness, the homeless and others (Schulte et al., 1993; Coverdale et al., 1995; Goodman & Berecochea, 1994; IOM, 1997). Federal efforts to control the spread of sexually transmitted diseases are distributed among CDC's Division of STD/HIV Prevention, HRSA for service delivery (Ryan White AIDS Care Act), and NIH for research. In addition, states rely on the Maternal and Child Health Services (Title V, Social Security Act) and Prevention (Title III, Public Health Service Act) Block Grants, Medicaid, and Title X Family Planning funds to support STD testing and treatment. State and local agencies implement screening, partner notification, disease surveillance, and education activities.

Traditionally, clinical and laboratory services for underserved groups have been provided in dedicated public STD clinics run by local health departments (IOM, 1997). In addition to these dedicated clinics, about half of the 3,000 local health departments nationwide offer STD services in combination with other categorical programs such as family planning, prenatal care and child health (Landry & Forrest, 1996). Public health clinics report an estimated two million STD visits annually; almost half (45%) of those visiting have incomes below the poverty level (Landry and Forrest, 1996) and approximately two-thirds of these are women.

The HIV program is relatively better funded than other STD efforts, is more visible, and is quite different in orientation (IOM, 1997). Unlike the STD program, considerable resources are devoted to primary prevention, and are directed to a wide array of community-based entities rather than to public health clinics. The HIV program relies heavily on family planning and drug treatment clinics in addition to STD clinics for implementing prevention and intervention services. Federal legislation requires establishment of consortia charged with developing and implementing community responses to the service needs of HIV-infected persons, and to risk reduction initiatives. It is argued that the STD and HIV programs are highly complementary, and that the risk reduction messages for HIV translate into reductions in other STDs, by virtue of having the same behavioral origins (Donovan, 1993).

At the federal level, significant attention has been given to the integration of STD and other health care services. Through its STD Prevention Partnership the Centers for Disease Control encourages incorporating STD prevention into other basic care services, and increasing awareness of the links between STD prevention and control and domestic violence, communication skills, self-esteem, and self-efficacy. For example, a Chicago public health clinic has established a young adult program as an STD clinic for teenagers. The clinic provides comprehensive health services across the street from the high school. An outreach program affiliated with the clinic is designed and implemented by teens, and linkages have been established with other community health agencies for referrals.

Notwithstanding the important role of the public sector, most STDs are diagnosed in the private sector (Gonen, 1997). Increasingly, the private sector reflects some form of managed care. From a public health perspective, managed care organizations are well-suited to play a major role in STD prevention given their prevention-oriented, population-based approach and potential use of information systems to monitor STD-related care. In fact, many managed care organizations use Healthy People 2000, which calls for increases in the proportion of primary care providers correctly managing their patients with STDs, to set standards for care and monitor proper treatment (Gonen, 1997). Even where most clinical services are covered by managed care however, a public sector role remains in conducting surveillance and providing treatment for the partners of diagnosed patients (Cates et al., 1997; Gonen, 1997).

Issues for Policy and Practice

Notwithstanding the increasing and important attention to women's health within legislative bodies and governmental agencies nationally and at the state and local levels, a number of key issues demand study and consideration as we approach the next century. Coordination of governmental leadership and initiatives, the funding base necessary to ensure public accountability for health systems development and monitoring as well as population-based prevention activities, and sorting out of public- and private- sector roles with respect to population health and prevention all warrant careful consideration as women's health issues increasingly become important in the public policy agenda.

National Leadership for All Aspects of Women's Health. As women's health issues have gained credence, federal agencies have sought to demonstrate their commitment to action by establishing organizational units specifically focused on women's health. The US Department of Health and Human Services (DHHS), in particular, has dramatically increased attention to women's health concerns in recent years. The early years of the 1990s witnessed the creation of the Office of Research on Women's Heath within the National Institutes of Health (1990), appointment of a Deputy Assistant Secretary for Women's Health, and establishment of the Public Health Service Office on Women's Health (1991), and the Office for Women's Health Services within the Substance Abuse and Mental Health Services Administration. Since that time, an additional [six] units focused on women's health have been newly established within the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration. These units now function alongside two others within DHHS which have more established roles in developing policy and administering programs for women — the Maternal and Child Health Bureau, and the Office of Population Affairs. Beyond DHHS, the Departments of Labor, Justice, and Defense have created organizational loci and initiatives related to the health and well-being of women. In 1995, the White House established an Office for Women's Initiatives and Outreach.

As welcome as this organizational attention may be, this proliferation creates new challenges for coordination and integration of efforts. In 1998, many federal programming efforts remain categorically focused, targeted on specific diseases/conditions (e.g., substance abuse, breast and cervical cancers, family planning) or on specific functions (e.g., research, surveillance, primary care services). While many of these offices convene sporadically on various topics that span departments — such as the effect of managed care on women's health — no overarching view of or locus of accountability for women's health has emerged to date.

Coordination and consolidation of efforts may, in fact, evolve more easily at the state and local levels. States' movement towards integration can be assisted by requirements in federal statutes for interprogram coordination, and by flexibility in use of funds. Even greater integration may then be possible as states design resource allocation strategies for funding community-based provider entities such as MCOs and local health departments to implement both population-based and personal health services.

A second prominent challenge accompanying new attention to women's health involves the question of the convergence of policies, programs, and organizational entities having longstanding leadership roles and statutory mandates with respect to women's reproductive health with those newly emerging. As Weisman (1998) notes, the field of maternal and child health with roots established in the progressive movement of the early twentieth century and the women's health movement that emerged in the 1960s have most often pursued independent avenues for their work, and different constituencies for their growth. Whether maternal and child health should be distinguished from women's health, and if so how so, is demanding and receiving increased consideration in public health policy deliberations. While the potential for synergy in the integration of the two is clear, the difference in professional cultures, and relative emphasis on women's roles and rights vis-a-vis those of their children must be addressed as the fields evolve.

Stable and Rational Funding Base for Public Health Functions and Services. Over recent years, public policy debates related to health have focused almost exclusively on insurance strategies for improving health status. Legislation proposed and/or enacted both before and following the failed national health care reform initiative have entailed insurance reforms addressing access, parity, and portability concerns. While President Clinton's Health Security Act incorporated provisions and funding for public health activity, no subsequent Congressional proposals of consequence have returned to this issue. Clearly, availability of insurance is not equal to availability of medical care, and neither insurance nor personal medical care address the core functions of public health.

Further, for many years, public health agencies have been able to support population-based prevention services and other public health functions (e.g., data/surveillance) with funds received from reimbursements for direct health care provided to publicly-insured and other underserved groups, such as Medicaid beneficiaries. However, as the publicly insured are increasingly being channeled into private sector care, resources for public health activities have begun to dwindle. Assuming that many population-based services can and will be appropriately provided through managed care organizations (and perhaps schools), the issue of public health funding is a critical issue both in the present and future. Will policymakers attempt a balance so that assessment, surveillance, policy structures, independent quality monitoring, and research and capacity building are maintained?

Accountability Related to Prevention and Population Health in the Managed Care Environment. Increasingly, the US population is receiving health services through some variety of managed care entity. Responsibility for clinical preventive services (often referred to as "secondary prevention," or early detection), such as breast and cervical cancer screening, has been clearly delineated for health plans through practice guidelines, regulation, and purchaser contracting mechanisms. Managed care organizations nationally have embraced accountability for these services through their incorporation in performance reporting through the Health Plan Employer Data and Information Set — HEDIS. Moreover, most insurance purchasers and health plan administrators acknowledge the individual and societal advantages of primary prevention services, such as health education and wellness programming. To date, however, financial incentives for promoting health plan accountability for such services have yet to be refined. Health education can be expensive if included in the payment rate for physicians and other highly-trained health professionals. Costs for primary prevention services are difficult to capture, and, as a result are not often included in capitated payments made to plans by employer or public sector purchasers. Given managed care's strategic goal to reduce costs and bolster stockholder investments, alongside the protracted timeframe for realizing cost savings generated from prevention, commitment in the private sector is not yet clear.

Further complicating the question of relying on health plans to undertake responsibility for health education and promotion are issues surrounding the inadequacy and instability of insurance coverage, and uneven distribution of health providers. As women move in- and out of plans' enrollee populations (often with change of employer or residence) savings might not accrue to a plan that has made the investments in prevention. Standards development related to health education and promotion and their incorporation into insurance rules and managed care contracts may be useful public health tools for addressing these concerns for those in the population who remain publicly insured. Nonetheless, absent universal health insurance for the resident population, funding and organizational accountability for primary prevention cannot effectively rest exclusively in the private sector. Thus, if both public and private sectors are to share in this responsibility, the question remains — how are prevention and other population-based health services to be coordinated at the individual, and community system levels?

Measurement of quality at the community/state level represents an important set of functions traditionally assigned to public health. In order to ensure that populations achieve national standards of health care status (e.g., Year 2000 Health Objectives), specific activities are needed for assessing population health in geographic areas where multiple health care plans and provider networks provide care and where some individuals remain uninsured and/or underserved. Because standard benefits and coverage protections may not evolve legislatively, great variability will continue to exist in service delivery and administration systems. Moreover, managed care strategies will be widely implemented to control health care expenditures. Therefore, accountability tools — such as surveillance, external review and auditing of health data — will need to be applied to overcome the potential for a singular focus on cost savings and/or other private sector interests.

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WOMEN'S REPRODUCTIVE HEALTH

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ABSTRACT

The impact of reproductive health on women's overall health can be enormous, having sequelae for physical and mental health as a whole. After reviewing the literature on a wide range of gynecologic problems, our focus for policy discussion has been narrowed topically to: (a) sexually transmitted infections, and (b) breast and cervical cancer. These problems are not rare, risk factors are modifiable, and/or effective screening has been developed. We have also chosen to narrow our focus to women women of childbearing age, rather than all women, as the policy issues are quite different for younger women. The review of risk factors is limited to factors which are modifiable, using a public health rather than clinical medicine framework.

INTRODUCTION

Until recently, the health of women's reproductive organs comprised the whole of "women's health." While many would argue against such a limited view, the impact of reproductive health on women's overall health can be enormous, having sequelae for physical and mental health as a whole. After reviewing the literature on a wide range of gynecologic problems, our focus for policy discussion has been narrowed topically to: (a) sexually transmitted infections, and (b) breast and cervical cancer. These problems are not rare, risk factors are modifiable, and effective screening has been developed or is easily integrated into primary care. While other problems may have fit within the focus, knowledge regarding etiology, screening and/or treatment was limited and it would be premature to discuss policy in these areas. We have also chosen to narrow our focus to women of childbearing age, rather than all women, as the policy issues are quite different for younger women. The review of risk factors is limited to factors which are modifiable, using a public health rather than clinical medicine framework.

SEXUALLY TRANSMITTED INFECTIONS

Sexually transmitted infections are a major source of reproductive health morbidity (Table 1). Most are primarily vaginal infections although they may progress and develop into systemic infections (e.g., HIV, syphilis) or result in serious "non-infectious" sequelae (e.g., human papilloma virus developing into cervical cancer). Compared to men, women are more easily infected, more likely to be asymptomatic, less easily diagnosed, and more likely to experience adverse sequelae [Eng, 1996 #880]. The rates of many sexually transmitted infections have been increasing and the rates of all sexually transmitted infections are much higher in the U.S. than in any other developed country [Eng, 1996 #880]. Rates of HIV and other sexually transmitted infections are also higher among poor women and minority women [Eng, 1996 #880].

Impacts

Infections increase the risk of infertility both acutely and through the development of pelvic inflammatory disease subsequent to initial infection [Westrom, 1995 #851; Grodstein, 1994 #635; Cates, 1991 #847; Brunham, 1988 #843]. HIV is incurable and deadly. The risk of ectopic pregnancy is markedly increased by chlamydial infection [Brunham, 1986 #846; Cates, 1991 #847; Chow, 1990 #848; Chrystostomou, 1992 #849; Phillips, 1992 #850] and pelvic inflammatory disease [Westrom, 1995 #851; Brunham, 1988 #843; Coste, 1991 #845]. Infections also affect the outcome of pregnancy. A two to three fold increase in the risk of preterm delivery has been associated with reproductive tract infections during pregnancy [Gibbs, 1992 #610; Romero, 1993 #569; Lockwood, 1994 #375]. The neonate can also be directly affected by the infection, either systemically (e.g., syphilis, herpes, HIV) or locally (e.g., gonorrheal and chlamydial ophthalmia).

Risk Factors

There are several characteristics of sexual activity which influence risk: multiple sexual partners, young age at first intercourse, failure to regularly use condoms, and drug abuse [Eng, 1996 #880]. These factors also are indirectly associated with an increased risk of cervical cancer pursuant to its association with human papilloma virus, a sexually transmitted infection. While HIV is sexually transmitted, there are also other factors which increase the likelihood of infection if exposed. Women with gonorrhea are nine times more likely to become infected with HIV, and women with syphilis, six times more likely. Effective prevention and treatment programs for syphilis, gonorrhea, and other infections could indirectly reduce HIV transmission by over 40 percent [Eng, 1996 #880].

Macroenvironmental factors also contribute to our current epidemic with poverty, lack of education, and social inequity linked to STD rates [Wasserheit, 1994 #887]. There are other particular subpopulations of women that are at high risk for STDs: sex workers, homeless, women in detention, and migrant workers. Finally, the secrecy with which sexuality is treated in our society is an important macroenvironmental factor. Secrecy hinders the effectiveness of sexuality education for adolescents, communication between sex partners, mass media messages, and availability of clinical preventive services [Eng, 1996 #880].

Primary Prevention

The Institute of Medicine (IOM) has proposed a long term national campaign to promote "a new norm of healthy sexual behaviors" to combat the hidden epidemic of sexually transmitted diseases [Eng, 1996 #880]. While individuals need to be personally responsible for their actions, their decisions can be influenced by actions taken by policy makers, private sector organizations, health professionals, managed care organizations, university medical cen-

TABLE 1: INFECTIONS AND RELATED CONDITIONS

Condition	Year	Rate
Chlamydia[a]	1996	321.5 per 100,000 in women
Gonorrhea[a]	1996	119.5 per 100,000 women
Syphilis[a]	1996	4.0 per 100,000 women, primary and secondary syphilis
Genital herpes[b]	1997	25.6% of women infected with HSV-2
HIV[c]	July 96-June 97	3,750 (not a rate) (HIV, not AIDS)
Human papilloma virus[d]	1997 study	46% of 376 college women
Pelvic inflammatory disease[e]	1994	177 hospitalizations per 100,000 women (15-44 years of age)

ters, hospitals, and the media. The effectiveness of behavioral interventions in reducing self reported high risk behaviors and improving protective behaviors has been established. Many effective and efficient behavioral and biomedical interventions are available to address the epidemic of sexually transmitted infections [Eng, 1996 #880; Kamb, 1996 #906; Shain, 1996 #907]. Primary prevention could also be emphasized as part of primary care (well woman care), preconception care, and pediatric care.

Early Detection

Screening is critical as infections often occur without symptoms [Eng, 1996 #880]. Furthermore, even symptomatic infections may go undiagnosed and untreated because women fail to recognize their symptoms as potentially related to infection. In addition to preventing adverse sequelae, screening and treatment for these infections can reduce duration of infection and thereby decrease transmission.

Early detection of infections, coupled with treatment as a final goal is also important for pregnant women. However, the results of screening efforts implemented within the context of the receipt of prenatal care may be limited because of lower rates of prenatal care among women at the highest risk. Adverse sequelae (e.g., stillbirth, preterm delivery, neonatal sepsis) may still occur if treatment is initiated too late in pregnancy. Prevention or screening and treatment prior to pregnancy would avoid therefore be beneficial. This is another reason why screening for infection should also be an integral part of the package of services all women of childbearing age receive.

Treatment (Tertiary Prevention)

Newer treatments are now available for some infections which require just one to two doses to be effective, thereby reducing the problems associated with adherence to the therapeutic regimen. Unless these short courses of treatment are integrated with screening services, however, the benefits offered by early detection quickly evaporate. Providers must also be alert to the potential for reinfection. To prevent recurrence, partners need to be treated and women counseled regarding avoidance of risky behavior.

BREAST AND CERVICAL CANCER

Cervical cancer is one of the most common malignancies in the U.S. Estimates for 1997 project that 14,500 women will be diagnosed with invasive cervical cancer and 4,800 women will die from the disease. The rate of invasive cervical cancer had declined to 8.2 cases per 100,000 women by 1993. The mortality rate from cervical cancer is more than twice as high for black women as for white women [Society, 1997 #999].

An estimated 180,200 new invasive cases of breast cancer are predicted for 1997, with an estimated 43,000 deaths occurring in this year. The incidence of breast cancer in the U.S. increased between 1982 and 1987 by about 4% annually. This increase was attributed to the combined factors of an improvement in recording of cases, improved screening and diagnosis, and partly a true increase in incidence [Chevarley, 1997 #1200; Chu, 1996 #1056; Forbes, 1997 #1055; King, 1996 #1057]. The rate of new breast cancers appears to have leveled off to approximately 110 cases per 100,000 women. Overall breast cancer mortality rates continued to decline in White women under age 80, at a rate of 3.1% per year average annual decline within the period from 1989-1992, while remaining the same or slightly increasing among Black women under age 80 [Chevarley, 1997 #1200]. These decreases may be due to earlier detection and advances in treatment [Society, 1997 #999].

Risk Factors

Sexual activity and related behaviors and outcomes influence a woman's risk for breast and cervical cancer. The most important risk factor for cervical cancer is infection with the sexually transmitted human papilloma virus (HPV) [Hulka, 1997 #1060; Beutner, 1997 #1058; Verdon, 1997 #1059; Munoz, 1996 #1061; Turek, 1996 #1062; Stoler, 1996 #1063]. An early age at first intercourse, multiple sexual partners, and having a partner who has had multiple sexual partners all increase a woman's risk of cervical cancer [Hulka, 1997 #1060; Hulka, 1982 #839]. Nulliparous women are at an increased risk for breast cancer as are women who delay their first birth until after age 30 [Hulka, 1997 #1060; Kelsey, 1993 #838; Velentgas, 1994 #1072]. Long term use of oral contraceptives may slightly increase the risk of premenopausal breast cancer but has either no effect on or slightly increases the risk of postmenopausal breast cancer [Velentgas, 1994 #1072; Van os, 1997 #1069; Rosenberg, 1996 #1071; Kelsey, 1993 #838; Hulka, 1997 #1060; Cancer, 1996 #1070]. Oral contraceptives do not increase the risk of cervical cancer [Hulka, 1982 #839]. The duration of breastfeeding is associated with a decreased risk of breast cancer in some studies [Katsouyanni, 1996 #1064; Layde, 1989 #1066; Brinton, 1995 #1065] and no difference in risk in others [Thomas, 1993 #1068; Michels, 1996 #1067].

Obesity increases the risk of postmenopausal but not premenopausal breast cancer [Huang, 1997 #1203; Willett, 1991 #837]. However, women who are obese premenopausally usually remain so as they grow older [Whitaker, 1997 #1027], making obesity even in young women an important factor to consider. The association between dietary fat intake and breast cancer is quite controversial with some investigators asserting an increased risk associated with increased intake (see references in [Greenwald, 1995 #841; Prentice, 1988 #842]) and others arguing that there is no effect [Willett, 1991 #837]. A national prevention trial is currently evaluating the effect of reduced fat intake on the risk of breast cancer [Prentice, 1988 #842]. Some studies have also suggested that physical activity may be an important determinant of breast cancer risk. In recent meta-analyses and other research, the authors found that recreational exercise decreased risk of breast cancer by 12%-60% [Thune, 1997 #1205; Gammon, 1998 #1204; Bernstein, 1994 #881].

In contrast to its deadly role with regard to lung cancer and heart disease, smoking appears to have little effect on the risk of breast cancer. Smoking may increase the risk of cervical cancer [Engeland, 1996 #1039; Phillips, 1994 #295; Simons, 1996 #1038]. There is no consensus as yet on the role of alcohol with regard to breast cancer. Some studies report an increased risk of breast cancer associated with consumption of moderate amounts of alcohol while other studies have found no such effects [Kelsey, 1993 #838; Willett, 1991 #837].

Primary Prevention

In terms of modifiable health behaviors, an increase in physical activity and a reduction in alcohol and fatty food consumption may be important targets for change to achieve reduced rates of breast cancer [Swanson, 1996 #840]. While early childbearing and breastfeeding are linked to a decrease in the risk of breast cancer, these are not "behaviors" which we can recommend that all women adopt. Not all women will desire children or be ready for them before the age of 30. If a woman chooses to have children, breastfeeding can be encouraged to reduce her risk of cancer and improve the infant's health.

Primary prevention of cervical cancer is more straightforward as its cause has been linked to a known sexually transmitted infection (human papilloma virus) [Hulka, 1997 #1060; Beutner, 1997 #1058; Verdon, 1997 #1059; Munoz, 1996 #1061; Turek, 1996 #1062; Stoler, 1996 #1063]. Promotion of healthy sexual behaviors (e.g., condom use, limiting number of partners) can reduce cervical cancer risk substantially. Increased public awareness and knowledge about the link between human papilloma virus (a sexually transmitted infection) and cervical cancer could also be an effective means of reducing risk of cervical cancer.

Early Detection

Much of the mortality for cervical cancer is preventable through Pap test screening [Force, 1989 #969]. Cervical cancer in situ (a precancerous condition) now occurs more frequently than invasive cervical cancer; this shift is likely due to the increased rates of Pap screening [Society, 1997 #999]. While Pap testing has increased in recent years, promoting the participation of women in screening programs, particularly women in certain subgroups, is a persistent challenge in cervical cancer control.

For women over 50, mortality from breast cancer has been shown to be reduced by early detection with mammography. However, the evidence for recommending mammography for women 40-49 years old is not as clear and is currently a subject of intense debate [Ernster, 1997 #908]. The potential benefits of mammography for women in their forties include earlier diagnosis and the option to choose breast-conserving therapy. These benefits must be weighed against the impact of false-negative screens and the lower sensitivity of mammography for women in their forties [NIH, 1997 #1206]. Early detection of breast cancer in younger women is an elusive goal at present. The debate over the value of mammography for younger women should not deter efforts to discover better screening methods.

Personal characteristics previously documented to correlate with lower levels of cervical cancer screening among women include: older age [Celentano, 1982 #865; Celentano, 1989 #866; Harlan, 1991 #972; Mamon, 1990 #867], being unmarried [Harlan, 1991 #972; Helsing, 1978 #973; Eardley, 1985 #974], and having lower socioeconomic status [Harlan, 1991 #972; Helsing, 1978 #973; Burack, 1987 #975]. Studies examining factors related to women's participation in breast cancer screening show similar effects of age, marital status and socioeconomic factors [Smith, 1992 #976]. Other individual level barriers to screening previously identified include feeling healthy; denial of danger; lack of understanding of the preventive purpose of screening; fear; and embarrassment [Smith, 1992 #976; Schwoon, 1979 #980; Peters, 1989 #981; Burack, 1987 #975; Harlan, 1991 #972]. Beliefs regarding screening intervals [Peters, 1989 #981; Mamon, 1990 #867] and the belief in one's ability to reduce one's chances of developing cancer [Harlan, 1991 #972] have been found to be positively related to adequate screening. Receipt of a regular check-up [Smith, 1992 #976; Warnecke, 1983 #983] is another predictor of adequate screening.

Treatment (Tertiary Prevention)

When detected in the early stages, the survival rate for cervical cancer is ninety percent. As with cervical cancer, early detection and treatment of breast cancer results in very high rates of survival (93-100%). However, the survival rates for both cervical and breast cancer plummet when disease is detected in its later stages [Horton, 1995 #876]. Racial and economic differences in survival which may be linked to later detection and less access to effective treatment for poor and minority women persist [Horton, 1995 #876].

POLICY IMPLICATIONS

Prevention

Increased awareness of the health issues reviewed here is needed. In a recent study, 77 percent of high risk women were not concerned about acquiring an STD [Eng, 1996 #880]. Awareness must include not only an understanding of the acute effects of the condition but also the long term sequelae that may result. Even when women realize they are at risk, they may place but place little importance on diagnosis and treatment because they do not understand the sequelae. For example, the infertility that can result from infections needs to be communicated. Awareness must not be limited to the women as the consumers; families can impact significantly on a woman's awareness of an issue and a broader effort may deliver the message more effectively. Providers also need to become aware of these issues, whether the provider specializes in women's health or not, as women seek care from a wide range of providers. Increasing awareness among those who finance care may also lead to innovative strategies to improve women's health.

Without such awareness, women are unlikely to adopt preventive behaviors. For example, women who do not understand how common infections are and their sequelae may not pay attention to messages about condom use. Women who recognize their vulnerability because of their awareness of the issue may seek out early detection. Efforts to increase awareness of these health conditions need not be narrowly focused; awareness of these issues could be packaged within initiatives focused on women's health generally.

Increased awareness of these issues should be followed by promotion of healthy and risk reducing behaviors for women. These behaviors can be promoted both by the public health establishment as well as by individual providers. While the important health behaviors differ depending on the health condition, these behaviors as a group could be promoted as improving women's health. In fact, some of the health behaviors overlap and would improve women's health in a number of areas (e.g., physical activity).

With regard to infection, we must invest in effective means of promoting healthy sexual behaviors (e.g., condom use, monogamy, abstinence). There are societal changes that must occur to truly effect change in sexual behaviors. The power dynamics of many sexual relationships make it difficult for women to negotiate either condom use or abstinence [Elias, 1994 #886]. The secrecy with which our society deals with sexual activity and consequently infections also needs to change [Eng, 1996 #880]. Individuals who feel guilt or embarrassment or who are in denial over their sexual behavior are less likely to practice protective behaviors. Communicating the message about healthy sexual behaviors and their risks is difficult if sexual activity is considered an embarrassing topic of discourse. Historically, breast cancer and what women could do for detection was also once a topic not discussed openly in this country.

While further research is certainly needed to determine the etiology of breast cancer (particularly in younger women), some factors have already been identified which could be targeted for change. First, breast cancer risk appears to be influenced by physical activity and possibly by diet and body weight. Participation in physical activity, consuming a low fat diet, and maintenance of healthy body weight have already been proven to reduce women's risk of heart disease and yield many other physical and psychological health benefits. Furthermore, concerns about breast cancer might provide stronger motivation for women to adopt healthy behaviors. Breastfeeding can also be promoted as a risk reducing strategy for women who bear children. Educating women about the connection between breast cancer risk and these health behaviors is an important strategy which could potentially benefit women's health beyond a reduction in breast cancer.

Early Detection and Treatment

Even when financial barriers have been eliminated and effective screening, diagnosis and treatment are available for infection and cervical cancer, many women are not receiving that care. There is a need to increase understanding and use of appropriate health services among women, particularly younger women who may have low rates of utilization. Effective breast cancer screening methods, when they become available, will not help young women if women do not utilize services. Increasing health care seeking behavior must also be a part of our efforts. Even a woman who perceives herself at risk and has access to care without barriers, financial or otherwise, may not be motivated to seek screening services. This is not a problem unique to infections but is made more difficult by the public stigma attached to these infections. The same woman who might seek care for a breast lump may postpone or never seek cervical cancer or infection screening.

Limitations in insurance coverage, both in who is covered as well as what benefits are provided, also contribute to poor health outcomes in women. Women without insurance may have no access to needed screening and treatment services. This situation is likely to worsen with the recent passage of the Temporary Assistance To Needy Families Act which is expected to reduce the number of women eligible for Medicaid. Even insured women face barriers to screening and treatment. The Alan Guttmacher

Institute found that only 70 percent of conventional insurance plans covered chlamydia screening as compared with nearly all point-of-service and health management organization plans [Horton, 1995 #876]. Only 65 percent of conventional insurance plans covered routine Pap tests as compared with 75 percent of preferred provider organization plans and nearly all point-of-service health maintenance organization plans. Mammograms were covered by 75 percent of conventional insurance plans compared with 82 percent of preferred provider organization plans and nearly all point-of-service and health maintenance organization plans [Horton, 1995 #876]. Employers who purchase insurance plans are not aware of how various insurance plans perform with regard to these issues. According to data from the Health Plan Employer Data and Information Set (HEDIS) 3.0, there is great variation in breast and cervical cancer screening rates among plans submitting data [Thompson, 1998 #1207]. STD performance related measures are now available in the latest version of HEDIS (Version 3.0) and could be compared if employers were aware of the importance of this issue.

Partner notification and treatment — historically the responsibility of local health departments — has always been an important component of sexually transmitted infection control. Public/private partnerships are needed for implementing successful partner notification efforts. If only one member of the couple is insured, financial or other access barriers to obtaining treatment for the uninsured partner may exist. Further, men and women often use different providers and one's provider may be unwilling or unable to provide care to the partner. The IOM recommends that providers assume responsibility for partner treatment and that insurance plans provide reimbursement for partner treatment [Eng, 1996 #880]. Using a decision model to analyze hypothetical cohort data, Howell and colleagues [Howell, 1997 #1050] determined that the cost effectiveness of partner notification to prevent pelvic inflammatory disease after chlamydial infection (of either partner) would be significant. Even in the best of worlds, some women may be unwilling to notify their partner(s) and assist them in obtaining treatment. Potential fear of the partner's reaction to the disclosure has prompted local health departments to institute confidential partner notification practices. Even anonymous notification, however, can lead to domestic violence or other problems for women. In the face of these issues as well as of recent cutbacks to public funds, creative and responsible solutions to the problem of effective partner notification are needed.

Early detection and treatment may also require targeted efforts to be effective. As noted earlier, there are identifiable subpopulations which are particularly vulnerable with regard to these health problems: homeless women; incarcerated women, adolescents, poor women; minority women. The private sector is unlikely to reach these women. A population perspective is needed to effectively provide services that will reach these groups.

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THE HEALTH CARE DELIVERY SYSTEM AND PERINATAL AND WOMEN'S HEALTH

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ABSTRACT

This paper provides an overview of health care services used by women of reproductive age and some key access and quality issues pertaining to women's health. Current trends in women's financial access to health care and in the availability of comprehensive services for women are emphasized. Policy implications pertain to correcting gender inequities in access to health care; providing comprehensive, integrated services for women; and improving quality of health services for women.

Women in the United States obtain health care services from a wide variety of sources, and they frequently enter the health care delivery system for either pregnancy-prevention or pregnancy-related services. Reproductive health services, however, often are provided separately from other components of women's health care (Clancy and Massion 1992). The array of health service organizations serving women include both public and private entities, and some women may use a combination of both. Unless they are enrolled in a managed care plan of some type, furthermore, women's use of multiple sources of care is unlikely to be coordinated by any provider or payer. Many women do not have access to "primary care" that is comprehensive, coordinated, and based on sustained partnerships between provider and patient (Donaldson et al. 1996). Because health care providers traditionally have not been trained in, or responsible for, all aspects of women's care, some women's health problems have been neglected in research and clinical practice. These include eating disorders, domestic violence, sexual abuse, depression, sexual dysfunction, chemical dependency, menopausal hormonal changes, and gender-specific aspects of chronic conditions such as heart disease and diabetes. The current health care delivery system for women therefore results in both redundancies and gaps in services, with the potential for discontinuities as women age and change providers or health insurance plans.

Research consistently shows that women make greater use of the health care system than men throughout adulthood and that their utilization patterns are more complex. While women were 51% of the U.S. population and 52% of the population ages 18 and over in 1994, they made 60% of all visits to physicians' offices and 61% of all visits to outpatient departments in non-federal hospitals (Schappert 1996; Lipkind 1996). In 1993, they accounted for 60% of all discharges from non-Federal short-stay hospitals (NCHS 1996). The most common inpatient surgical procedures for women in 1993 were procedures to assist delivery, cesarean section (23% of all births), repair of current obstetrical laceration, and hysterectomy (NCHS 1996). Women use more outpatient mental health services than men, whereas men use more inpatient services (Glied and Kofman 1995).

Over 80% of women typically report having a usual source of health care, predominantly a physician's office. Many women, however, obtain specialty reproductive services or routine care in the public sector or in private organizations that rely on public funds (e.g. Planned Parenthood centers). For example, according to the 1995 National Survey of Family Growth, 26% of women ages 15 to 24 reported having used a family planning clinic for their first contraception-related visit (Abma et al. 1997). Three types of physicians—family or general practitioners, general internists, and obstetrician-gynecologists (obgyns)—provide most basic health care to women, although estimates of the relative contributions of these specialties to primary care delivery vary widely (Bartman and Weiss 1993; Leader and Perales 1995; Rosenblatt et al. 1995; Schappert 1993). Visits to obgyns account for about one-third of office visits made by women in the reproductive years (NCHS 1995). The 1993 Commonwealth Fund Survey of Women's Health found that 33% of U.S. women ages 18 and over use both an obgyn and another primary care physician for their regular care; these women tend to be more affluent than women who rely on only one physician, to have private indemnity health insurance or to be enrolled in private health maintenance organizations (HMOs), and to be under age 65 (Weisman 1996).

The types of physicians women see influence the services they receive. Recent studies suggest, for example, that women who do not see obgyns—either as the primary physician or in combination with another physician—are more likely not to receive key preventive services (e.g. Pap smears, breast examinations, and mammograms) according to recommended guidelines (Weisman, Cassard, and Plichta 1995; Wyn, Brown, and Yu 1996).

Women also may receive care from advanced practice nurses or physician assistants, although less than 2% of women report using providers other than physicians as their regular source of care (Weisman 1996). An estimated 100,000 advanced practice nurses are involved in the delivery of primary care, according to the American Academy of Nursing (1997). Because advanced practice nurses are frequently members of teams in managed care plans who provide some components of women's routine health care, some predict that their use will increase as managed care grows (Weiner 1994). Factors that limit the potential of these health professionals to provide a greater share of women's health care include state regulations limiting prescribing and hospital admitting privileges, restrictions on third-party reimbursement, and resistance from physicians.

Women's health centers that provide services designed for and marketed to women are growing in number, particularly in the hospital sector. According to the American Hospital Association's annual surveys, between 1990 and 1994, the percentage of U.S. hospitals reporting sponsoring a women's health center of some type increased from 19% to 32%. In 1993, there were an estimated 3,600 women's health centers of various kinds nationwide, serving about 14.5 million women (Weisman, Curbow, and Khoury 1995). Although the majority of these centers focused on reproductive health services, 12% of centers were comprehensive primary care centers designed to integrate the reproductive and non-reproductive components of care in a "one-stop shopping" format, coordinated by a primary care provider or multidisciplinary team. Some of these centers provide the most innovative models of women's primary care now available in the U.S. health care system, but they have rarely been evaluated to determine their impact on quality or costs (Weisman, Curbow, and Khoury 1997).

BARRIERS TO HEALTH CARE ACCESS FOR WOMEN

Despite women's greater overall use of health care, they confront a number of financial and non-financial barriers to care. Major financial barriers are the lack of health insurance and inadequate health insurance, and gender is related to both of these. Although, at any point in time, women and men are about equally likely to have health insurance, women are more dependent than men on public insurance (especially Medicaid) and are more likely than men to be insured as dependents on a family member's (usually the spouse's) health insurance plan (Horton 1995; Wyn and Brown 1996). Because most private health insurance is obtained through employment, women are at a disadvantage because they are more likely than men to work part-time or in jobs that do not provide health insurance benefits. Recent declines in employment-based health insurance and in dependent coverage could disproportionately affect women.

Low-income and minority women are more likely than other women to be uninsured or publicly insured. Although Medicaid is a key source of health coverage for pregnant women and women with young children and now covers about 40% of all U.S. births (Salganicoff 1997), nearly one-third of poor and near-poor women are uninsured, and almost two-thirds of women losing Medicaid eligibility become uninsured (Short 1996). The Medicaid program has no mechanism for ensuring continuity of care for women following childbirth: women (though not their children) generally lose eligibility 60 days following delivery unless they qualify for welfare assistance (Salganicoff 1997).

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("welfare reform") severed the automatic linkage between welfare and Medicaid eligibility. The law replaces Aid to Families with Dependent Children (AFDC) with a block grant known as Temporary Assistance to Needy Families (TANF). As a result of this legislation, there is likely to be considerable variation across states in how Medicaid eligibility is defined and in how enrollment procedures are administered, with the prospect of many needy women and children (including legal immigrants) not receiving Medicaid benefits (Rosenbaum and Darnell 1997).

Women spend more out-of-pocket on health care than men do because of the structure of health care benefits. One study of women of reproductive age found that as a consequence of inadequate insurance coverage of reproductive and preventive services, women have out-of-pocket expenses that are 68% higher than for men in the same age group. Poor women are disproportionately affected, with more than 25% having out-of-pocket costs exceeding 10% of their incomes (Women's Research and Education Institute 1994). Women pay 56% of the cost of contraceptives out-of-pocket, and currently only one state (Maryland) has legislation requiring insurers to include contraceptive drugs and devices in their prescription benefits. Most health plans that have prescription benefits do not cover contraceptives (Alan Guttmacher Institute 1994). In 1995, only 16 states and the District of Columbia covered abortion services for Medicaid recipients (National Abortion and Reproductive Rights Action League 1996).

Examples of non-financial barriers to health care for women are the lack of availability of services or appropriate providers in women's communities and inadequate enabling services such as public transportation, child care, translator or interpreter services, and inadequate hours of operation or long waiting times. The unavailability of basic services, including reproductive services, is a major barrier to care. One study found that one-fourth of U.S. counties had no prenatal clinics for poor women (Singh, Forrest, and Torres 1989), and in 1992, 84% of U.S. counties had no provider of surgical abortions, and 30% of women of reproductive age resided in those counties (Henshaw and Van Vort 1994). The availability of a full range of reproductive health services also is threatened in some communities by affiliations between Catholic and non-Catholic health care organizations, since services such as abortion may be prohibited (Weisman et al. 1997). Currently, the availability of "safety-net" services—including community health centers, public health department programs, school-based clinics, Title V prenatal care programs, and Title X family planning clinics–is threatened by two trends: reductions in federal funding and the growth of managed care plans that compete with safety-net organizations for Medicaid clients and reduce the ability of safety-net organizations to cross-subsidize care (Davis 1997). Because uninsured, underinsured, adolescent, and minority women may depend on safety-net organizations as their usual source of health care, financial failure could leave these women medically homeless.

IMPLICATIONS OF THE GROWTH OF MANAGED CARE

The growth of managed care implies both benefits and risks to women, but, to date, there is little research comparing types of managed care plans in terms of their impact on women's health. Currently, over 58 million Americans are enrolled in various types of HMOs, over 91 million are enrolled in preferred provider organizations (PPOs), and over 40% of Medicaid recipients are in some type of managed care (American Association of Health Plans 1996; Salganicoff 1997). Although managed care plans are increasingly diverse, their emphasis on cost control, coordination of services, and preventive care has the potential to improve women's prevention and screening, to provide more effective prenatal care, to lower out-of-pocket costs, and to foster better integration of reproductive and non-reproductive care. Managed care also may lower rates of unnecessary cesarean sections and hysterectomies.

Potential risks to women associated with managed care include reduced access to specialists (e.g. ob-gyns, mental health providers), incentives to underserve, reduced time during visits for provider-patient communication, and discontinuities in care associated with voluntary or involuntary plan switching. Also, some managed care plans serving Medicaid enrollees may be unprepared for the special needs of low-income women and their children, who have not been traditional clients of private managed care plans. Concerns have been expressed, for example, about plans' abilities to provide care for chronic conditions, disabilities, and mental illness and substance abuse in the low-income population and to provide linkages with needed social services (Salganicoff 1997).

QUALITY ISSUES IN WOMEN'S HEALTH CARE

Increased attention to women's health issues and changes in the health care delivery system have drawn attention to the need to conceptualize "quality" in women's health care and to develop measures that can be used for quality assessment and improvement. Two general types of quality issues are important: increasing the knowledge base on the effectiveness of specific health services for women and evaluating the effects of alternative health care delivery models for women. Comparative organizational research in women's health care is particularly important for determining what types of health plans or organizational arrangements of services result in higher quality of care for women.

Several initiatives to improve quality measurement in women's health care are underway. The National Committee for Quality Assurance's Women's Health Measurement Advisory Panel is investigating evidence for gender differences in indicators used in the Health Plan Employer Data and Information Set (HEDIS) and is developing recommendations for new indicators to be included in future versions of HEDIS. An example is a measure to assess the adequacy of counseling women about options for management of menopausal hormonal changes. In addition, the Foundation for Accountability (FACCT) is developing outcome performance measures to help consumers make health care choices based on information about quality in health plans, health system, and medical groups. Areas identified for measurement development include breast cancer and pregnancy care in addition to conditions that are prevalent in both women and men. The American Association of Health Plans also is completing a project on best practices in women's health care.

POLICY IMPLICATIONS IN WOMEN'S HEALTH

Policy to improve perinatal health and the overall health of women must address two broad issues:

- The need for all women to have access to a basic standard of health care in their communities at an affordable cost, and
- The need to ensure that the health services provided to women are comprehensive, integrated, and of high quality.

Policymaking related to health insurance (both public and private), managed care regulation, preserving the health care safety net, and other issues needs to be informed by data specific to women in the context of their life circumstances. Efforts to restructure the Medicaid and Medicare programs need to recognize the predominance of women among beneficiaries and their particular needs. Similarly, incremental approaches to improving private health insurance need to address specific coverage issues for women (e.g. the lack of coverage for contraceptive services in many plans). Public funding programs that focus on women only when they are pregnant or that support specialized reproductive services without providing for their integration into comprehensive women's health care programs may improve access in the short-run but may perpetuate fragmentation of care in the long-run. Policies that encourage the availability of comprehensive, integrated, quality health services for women in communities are likely to reap substantial benefits in perinatal and women's health.

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THE SAFETY OF SILICONE BREAST IMPLANTS

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ABSTRACT

Silicone breast implants have been sold in the United States since the early 1960's, although their long term safety in human beings was not studied until the 1990's. Because of the lack of medical scrutiny, it is not known how many women in the United States have silicone breast implants, although experts estimate one million. The major controversy that has emerged in recent years is whether silicone breast implants are safe, and whether they are responsible for the illnesses that have been reported by many of the more than 400,000 women who have filed law suits against the manufacturers. *This Briefing Paper focuses on the published epidemiological research on silicone breast implants, summarizing what is known and what is not known about the health risks.*

The use of silicone to increase breast size started shortly after the end of World War II, when liquid silicone was first injected directly into the breasts of Japanese prostitutes to make them more attractive to American G.I.'s (Anderson, 1990). In some cases, the silicone migrated to other parts of the body, such as the arms, lungs, and liver, causing horrible deformities or even death. Rather than stopping the procedures, however, efforts were made to improve the results by mixing the liquid silicone with additives such as oil, to produce scarring that would keep the silicone in place. Within a few years, similar procedures spread to Las Vegas, Hollywood, and elsewhere in the United States, where equally disastrous results for an estimated 50,000 women led to controversy about whether the problems were caused by the silicone or the additives.

Because of the continuing safety and aesthetic problems, in the early 1960's two plastic surgeons suggested to Dow Corning Corporation that they develop silicone breast implants, which were composed of a silicone elastomer envelope containing silicone gel (Braley, 1972). Saline implants, which consist of silicone envelopes filled with saline, were developed in 1968. Like the injections, these implants were produced and sold without having been tested on human beings to determine whether they were safe or effective.

In 1976, the Medical Device Amendments to the Food, Drug, and Cosmetic Act gave the Food and Drug Administration (FDA) the responsibility to regulate all medical devices for the first time (see chronology in Table 1). Since breast implants had previously been sold in this country, they were "grandfathered in" and therefore allowed to stay on the market even though the manufacturers had not submitted proof of their safety and efficacy to the FDA (Kessler, Merkatz, & Schapiro, 1993). The FDA was responsible for eventually requiring that "grandfathered" medical devices be proven safe and effective, however, and FDA scientists considered implantable devices a high priority since their likelihood of harm seemed greater than for non-implanted devices such as surgical gloves, which the FDA also regulated.

By the 1980's, silicone breast implants had become a major segment of plastic surgery practices in the United States. Approximately 80 percent of the implants were used to increase the size of healthy breasts, while 20 percent were for reconstruction after mastectomy for cancer or other illnesses or trauma (Brown, Langone, & Brinton, 1998). In 1988, the FDA publicly announced that in 30 months, manufacturers would be required to submit research data proving that their silicone gel implants were safe and effective.

By 1990, approximately one million American women had breast implants, but there were still no published clinical trials, case/control studies, or epidemiological research studies indicating whether they were safe.[1] In December of 1990, a Congressional subcommittee responsible for monitoring the FDA, chaired by the late Rep. Ted Weiss (D-NY), held hearings aimed at encouraging the FDA to follow through on its 1988 announcement by requiring implant manufacturers to submit safety studies (Hearing of the Government Operations Subcommittee on Human Resources and Intergovernmental Relations, Dec. 18, 1990).[2] Dr. Diana Zuckerman of the Congressional committee staff reviewed copies of all the studies and other documents in the FDA's possession regarding the safety and efficacy of breast implants. In reading these boxes of documents, Congressional staff found that for many years, FDA scientists and advisors had expressed their concerns to FDA policy makers regarding the potential health risks of breast implants in internal memoranda (reproduced in Hearing, Dec. 18, 1990). The staff concluded that there was no evidence that independent, systematic research had been conducted on human beings to evaluate the long-term safety of the implants (Staff Report of the Committee on Government Operations, December 1992). Instead, most of the published reports were in plastic surgery or cosmetic surgery journals, where surgeons would describe the experiences of their patients, primarily in terms of cosmetic results. These case reports were not systematic studies and did not evaluate potentially serious short-term or long-term problems, such as silicone migration, implant rupture, infection, or systemic disease. There was also a survey distributed by plastic surgeons to their former patients, which indicated high customer satisfaction; although this was referred to as a study, it was a marketing survey rather than a scientific study, and could not provide accurate medical information.

In 1991, when the FDA finally reviewed the implant manufacturers' studies to determine the safety and efficacy of breast implants, it became clear that many of the studies of women with implants had just been started. After contentious FDA hearings and a great deal of public controversy, in 1992 the FDA removed silicone breast implants from the market because of the lack of safety data (Kessler, 1992). The greatest concern was the growing evidence that breast implants did not "last a lifetime" as had been claimed, and would eventually break, leaking silicone into the breast that could migrate to other parts of the body, including vital organs. There was also clear evidence that even implants that were intact could "bleed" liquid silicone into the breast area, and this silicone could also migrate. Several journal articles indicated that implant patients might be at risk for autoimmune disease or cancer as a result of this leaking silicone. In addition, breast cancer was considered a potentially serious risk, because the implants interfered with mammography.

Although there were serious safety concerns, the lack of adequate studies meant that there was no clear research evidence regarding whether or not breast implants increase the risk of disease. In response to the request of some breast cancer advocacy groups that silicone gel implants fulfilled a "public health need" after a mastectomy, they remained available in what were described as very large clinical trials for women with mastectomies or to replace implants that were broken (Kessler, 1992). In these "clinical trials," the FDA instructed the manufacturer to restrict the use of silicone gel implants to patients for whom the physician determined that saline breast implants were not appropriate.[3] FDA scientists believed that the saline implants were safer than the silicone gel implants, because although both types of implants were made with a silicone envelope, the saline and other chemicals inside the saline implants were believed to be safer than silicone gel.[4] However, the saline implants had also been grandfathered onto the market and their manufacturers had not yet been required to provide evidence of safety to the FDA.

RESEARCH FINDINGS

In the last few years, several articles have been published in well-respected medical journals, supporting some of the concerns expressed in 1992, and contradicting others. There is now clear evidence that many silicone gel breast implants rupture in the body, leaking silicone, sometimes without the woman's knowledge, and that this is much more likely among the thinner "second generation" silicone gel implants that were sold between 1973-87 (Peters, Smith, Fornasier et al., 1997). There has been no epidemiological evidence of increased risk of breast cancer in the published studies, although more research is needed to rule out a long-term risk of cancer (Brinton & Brown, 1997). The research also seems to indicate that several specific connective tissue diseases are not frequent problems among women with breast implants. However, there are conflicting results in published research, and many of the studies have been criticized for not evaluating enough women to draw conclusions about rare diseases and for not studying many of the symptoms and illnesses that women with implants have reported to their doctors. The most recent review of the autoimmune research, published in the *Journal of the American Medical Women's Association* in 1998 by scientists at the FDA and the National Cancer Institute, concluded that "the samples were too small to rule out an increase" and the studies were not properly designed to evaluate an "atypical syndrome" that could be unique to silicone (Brown, Langone, & Brinton, 1998). The published studies with their findings and shortcomings are described in greater detail below.

Table 1.
Chronology of Events Related to Breast Implants[1]

1962	The first silicone breast implants, made by Dow Corning, are implanted.
1976	The Medical Device Amendments to the Food, Drug, and Cosmetic Act gave the FDA the responsibility to regulate all medical devices, including breast implants, for the first time. An FDA expert panel recommended that breast implants be placed in class II[2] because their safety was considered well established.
Jan. 1982	Because of reported problems, the FDA announced a proposal to place breast implants in class III, which would require studies of safety and effectiveness.
June 1988	The FDA classified all breast implants into class III. After 30 months, the FDA could require that manufacturers provide data showing the safety and effectiveness of these devices.
Dec. 1990	The U.S. House of Representatives Subcommittee on Human Resources and Intergovernmental Relations held a hearing criticizing the FDA for not requiring manufacturers to submit safety data.
1991	The manufacturer of polyurethane-coated silicone breast implants removed them from the market; research indicated that the foam would degrade and release TDA, a known animal carcinogen. About 10 percent of women with breast implants had the polyurethane-coated type.
Apr. 1991	The FDA required manufacturers of silicone gel implants to submit data showing the safety and effectiveness of the implants by July 9, 1991.
Sept. 1991	The FDA required manufacturers to disseminate information to patients on the risks associated with breast implants.
Nov. 1991	The FDA convened an expert panel to consider whether the data were sufficient to establish that silicone gel implants are safe and effective. Despite the lack of data, the panel advised the FDA that breast implants filled a public health need and should continue to be available while the manufacturers collected additional data.
Dec. 1991	A California jury awarded more than $7 million to an implant patient, primarily for punitive damages. Within a few weeks, internal Dow Corning documents from the trial came to the attention of the FDA and the media.
Jan. 1992	The FDA called for a moratorium on the use of silicone gel implants until new safety information could be reviewed by the panel.
Feb. 1992	The FDA's expert panel met again to review new information on silicone gel implants, including case reports of autoimmune diseases and evidence that some early models leaked excessively.
Mar. 1992	Dow Corning stopped selling all types of silicone implants.
Apr. 1992	The FDA announced that silicone gel implants could be sold only as part of controlled clinical studies for reconstruction after mastectomy, correction of congenital deformities, or replacement for ruptured silicone gel implants. The FDA approved Mentor Corporation's study in July.
Jan. 1993	The U.S. House of Representatives Subcommittee on Human Resources and Intergovernmental Relations issued a report criticizing the FDA's poor monitoring of silicone breast implants. The FDA published a proposal in the Federal Register calling for safety and effectiveness data for saline breast implants.
Mar. 1994	Four breast implant manufacturers put together a global settlement proposal with a cap of $4.25 billion over 30 years. This settlement collapsed when Dow Corning filed for bankruptcy protection in 1995.
Dec. 1994	The FDA issued a Talk Paper describing the types of studies required to demonstrate the safety and effectiveness of saline breast implants. Pre-clinical data were submitted throughout 1995, and final clinical data are expected by early 1999.

[1] This chronology is based in part on the FDA's *Breast Implants* Information Update, July, 1997.

[2] The FDA has three regulatory categories for medical devices. Class I and class II are for devices whose safety and effectiveness are well-established. Class II devices require safeguards, such as performance standards or surveillance studies. Class III devices must be proven safe and effective before they can be sold.

METHODOLOGICAL SHORTCOMINGS OF EXISTING EPIDEMIOLOGICAL STUDIES

In order to determine whether breast implants are safe, it is necessary to conduct systematic long-term studies that evaluate the association between breast implants and the illnesses and symptoms that women with breast implants report. Prospective studies, which evaluate patients during the years following their implantation, are expensive and take many years to complete, so most studies have instead looked back at the health problems of women who have had implants for periods of time ranging from a few months to a few years. This review by the Institute for Women's Policy Research of the major published studies and of the reviews of those studies (e.g. Brown, Langone, & Brinton, 1998; Rawls, 1995; Silverman, Brown, Bright et al., 1996) indicates several basic methodological weaknesses:

1. Virtually all of the studies focus on autoimmune diseases or cancer rather than the other health problems that the women are reporting, such as muscle pain and memory loss.
2. Most studies evaluate whether an individual has a well-established diagnosis for specified diseases, such as lupus and scleroderma, rather than evaluating the prevalence of symptoms that could be associated with a new or "atypical" syndrome. There is scientific evidence that chemical

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exposures can cause "scleroderma-like" symptoms and other rheumatic diseases (Miller, in press; Zschunke, Ziegler, & Haustein, 1990).

3. The studies do not provide long-term data, despite an expected latency period for many diseases. Systemic illnesses may be more likely after implants are ruptured, which typically occurs 8-14 years after implantation (Robinson, Bradley & Wilson, 1995).
4. The comparison samples in some studies are women who sought medical care, rather than healthy women. Since most women who choose implants for augmentation are young and healthy, implant patients should be compared to a "control group" of similarly young, healthy women.
5. Even in the largest epidemiological studies, the sample sizes are not large enough to identify substantial increases in the rate of rare diseases. Diseases such as scleroderma that are diagnosed in less than one in 10,000 women in the general population (Zschunke, Ziegler & Haustein, 1990) can only be meaningfully evaluated in large samples; it is therefore surprising that the studies that have been conducted included only a few hundred or, at most, a few thousand women with breast implants.
6. Most of the studies used convenience samples, which collected information intended for a different purpose, or collected data on patients from a few medical practices. The results are not necessarily generalizable to all women with implants, and the medical information is sometimes limited because the data that were collected did not necessarily include the most relevant information.

Two studies, conducted by researchers at the Mayo Clinic and Harvard, have been frequently cited by some manufacturers and physicians as "clear evidence" that silicone breast implants are safe. The authors of these studies are more cautious than the individuals who cite them, pointing out that the studies focused only on several well-defined diseases but not other diseases or symptoms, and that the study samples were too small to detect even a doubling of some rare diseases. These studies deserve careful scrutiny and several of their limitations are described below.

"Mayo Clinic" Study

The first published "Mayo Clinic" study compared patients in Olmstead County, Minnesota who had breast implants with patients without breast implants regarding the reporting of classic criteria of rheumatological diseases in their medical records (Gabriel, Fallon, Kurland et al., 1994). The study made good use of existing medical information, but it did not supplement medical records with questionnaire or interview data, and it focused on classic disease criteria, so the results do not include information about other symptoms or "atypical" diseases. In addition, the comparison sample consisted of patients receiving medical care in facilities in the county, whereas most breast implant patients are very healthy women. The 749 implant patients in this sample are too few to provide reliable information about an increase in rare diseases, such as lupus and scleroderma; the authors estimated that they would need to study 62,000 women with implants for an average of 10 years to determine whether there was a doubling of the risks of rare diseases such as scleroderma, since their estimated incidence is usually estimated to be less than two per 100,000 women.

"Harvard" Nurses Study

The nurses study, conducted by researchers at Harvard University, was somewhat larger, including 1,183 nurses with breast implants, but only 876 were classified as having silicone gel implants (Sanchez-Guerrero et al., 1993). Like the Mayo Clinic study, this study evaluated connective tissue diseases using standardized criteria and did not study other types of illnesses, and the number of implant patients was too small to study very rare diseases such as scleroderma and lupus. Although this study also evaluated 41 "signs or symptoms" of connective tissue disease, these symptoms were not evaluated individually; instead, they were used to create 'possible' diagnoses of classic connective tissue diseases for women with several symptoms of those diseases.

The Harvard study was designed to minimize "reporting bias" of health problems by implant patients, by excluding any health problems diagnosed after May 1990, which was six months before the major media coverage of implant problems. The study was not designed to minimize some other kinds of bias; for example, the authors did not remove from the analysis the women who reported having received breast implants between 1952-1961, an obviously inaccurate response since breast implants had not yet been invented during that time. The inclusion of these misreported years increased the average years of implantation, which was reported to be 10 years. Moreover, implants sold prior to 1973 were made of a more rubbery silicone envelope and thicker gel and are less likely to break (Peters, Smith, Fornasier et al., 1997). Therefore, the experts who are most concerned about implants believe that these thicker implants are less likely to cause illness. If thicker implants are safer, including women with thicker implants in the same analysis with other implant patients decreases the likelihood of a significant association with health risks. The study also included women with implants for only one month; including women who have had implants for such a short time again decreases the likelihood of finding an association with systemic health problems.

Other Studies Often Cited as Finding No Significant Risk

There are more than one dozen other published abstracts and studies that found no statistically significant health risks associated with breast implants. Each of these studies has several of the shortcomings numbered above. The authors have noted that their studies are inconclusive, usually because of the sample sizes and sometimes for other reasons, such as the small number of years after implantation. Several abstracts are based on unpublished studies with extremely small samples, so this review will focus on the most substantial, published studies, which also have clear limitations. For example, one study of autoimmune diseases included only 250 patients who had implants for an average of approximately 2.5 years (Shusterman, Kroll, Reece et al., 1993), and another study evaluated connective tissue diseases among 125 implant patients (Weisman, Vecchione, Albert et al., 1998). Even with their larger comparison samples, both of these studies include too few implant patients to provide meaningful information about these rare diseases. A recent Scottish study contacted all patients in South East Scotland who had silicone breast implants inserted between 1982-1990, but this resulted in an analysis of only 110 augmentation patients and 207 mastectomy patients (Park, Black, Sarhadi et al., 1998); these two groups were analyzed separately, although they were much too small to provide useful data when analyzed either separately or together.[3]

A Swedish study was based on a much larger sample, of more than 7,400 women with implants, averaging 8 years of follow-up information (Nyren, McLaughlin, Yin et al. 1998; Nyren, Yin, Josefsson et al., 1998). The results indicated no statistically significant increase in hospitalization due to neurological or connective tissue disease among implant patients; however, the authors acknowledge that even this sample size is too small to draw conclusions about any link between breast implants and the rare diseases that were studied. This study had similar limitations to other implant studies: only 56 percent of the implant patients had silicone gel implants, many of the patients had implants for a short period of time and implant patients were compared to breast reduction patients. However, this study has a more important flaw that limits the usefulness of the results: patients were considered ill only if their illness resulted in hospitalization, which excludes many patients with these diseases.

Given the rarity of many of the diseases analyzed in these studies, focusing on women with connective tissue diseases rather than women with implants is a reasonable alternative strategy chosen by several researchers. However, because so few women have breast implants, these samples still need to exceed several thousand in order to have statistical power to determine whether the implants are associ-

Table 2.
Nonsignificant Findings in Studies of Connective Tissue Patients

Hochberg et al., 1996	837 scleroderma patients compared to random control group matched for race, sex, and age group	7% more implant patients among scleroderma patients
Burns et al., 1996	274 scleroderma patients compared to random control group matched for race, sex, and age	30% more implant patients among scleroderma patients
Goldman et al., 1995	721 patients with Rheumatoid Arthritis or connective tissue disease compared to other rheumatology patients	55% fewer implant patients with these illnesses, but higher rates of implant patients among other rheumatology patients

ated with disease. They also need appropriate comparison samples of women in the general population with similar health habits and demographic backgrounds. Table 2 indicates the comparison samples and inadequate sample sizes of the studies that have been conducted. Two of these studies reported nonsignificant higher rates of illness among implant patients. A third study, which included rheumatological patients, as its comparison sample, found nonsignificantly lower prevalence of certain types of illness among implant patients, but neglected to mention that there were higher levels of many other types of rheumatological illnesses among implant patients. The samples were so small that none of the differences were statistically significant and therefore they could have occurred by chance.

Studies Finding Significant Health Problems Among Implant Patients

Two of the largest studies have found statistically significant health problems among breast implants patients. In a study of 10,800 American women with all types of breast implants, Hennekens, Lee, Cook et al. (1996) found a statistically significant 24 percent increase in self-reported connective tissue diseases among implant patients compared to other women. These women were part of a much larger study of more than 426,000 women health professionals, who completed questionnaires between 1992-95. Although self-reported illnesses are considered less accurate than medical diagnoses, the fact that the women reporting them are health professionals increases the findings' credibility. The results suggest that breast implant research might be more likely to indicate health risks when the samples are larger and a wider range of connective tissue diseases are evaluated.

A study of 2,570 Danish women with breast implants also found a statistically significant association between breast implants and "muscular rheumatism, fibrositis, and myalgia" but not with rarer connective tissue diseases such as scleroderma or lupus (Friis, Mellemkjaer, McLaughlin et al., 1997). These symptoms were more than twice as likely among breast implant patients. Breast reduction patients and breast cancer patients without implants also had higher than expected reports of these symptoms, although the increase was not as dramatic as for implant patients. Like the previous studies, this study sample was too small to study rare diseases. There were other shortcomings: a very small minority had their implants for ten years or more, not all the implants were silicone gel, and illness was measured by hospitalization.

A new area of research is examining possible effects on the children of women with silicone breast implants (e.g. Levine & Ilowite, 1994). Given the lack of epidemiological studies, children's health will not be included in this review.

WHAT KIND OF RESEARCH IS NEEDED?

Overall, most of the published epidemiological studies found no statistically significant health problems among implant patients, but they usually did not include information about many of the symptoms that breast implant patients have reported to their physicians, and they had methodological shortcomings that minimized the likelihood of finding significant health risks. Well-designed epidemiological studies would be substantially different from most existing studies, and would include the following design and assessment strategies:

1. The first step would be to analyze the effects of specific types of implants separately, instead of combining them. For example, saline implants should be analyzed separately from silicone gel implants; if there are too few saline implant patients to analyze separately, they should be excluded from the analysis rather than be included with the silicone gel patients. This is important because many experts believe that saline implants are safer than silicone gel implants; by including saline implants in a study of silicone implants, the researchers have increased the likelihood of finding no health risks.

There are also different types of silicone implants that should be analyzed separately. In an ideal study, each brand of implant would be studied separately, but since many women do not know what kind of implant they have, and since some implants were not used by large numbers of women, this is not possible. Nevertheless, it is essential to analyze the polyurethane-covered implants separately, since it is known that the polyurethane sometimes disintegrates and can break down into TDA, a known animal carcinogen (Brinton & Brown, 1997). Separate analyses should also be conducted on double lumen breast implants, which consist of a silicone envelope that contains saline, antibiotics, and other substances surrounding an inner silicone envelope filled with silicone gel.

In addition, it is essential to separately analyze different "generations" of silicone gel implants, because the "second generation" implants sold between 1973-87 are thought to be the most likely to cause problems, and the newest implants are of great interest because they are still being sold today. The implants sold in the 1960's are thought to be relatively safe because they have a thicker gel and thicker envelope than those sold since then and are therefore unlikely to break and leak large amounts of silicone (Peters, Smith, Fornasier, et al., 1997). In contrast, the implants sold in the 1990's are reportedly thinner than those from the 1960's but possibly less likely to bleed silicone than those in the 1970's and 1980's; in addition, they have been implanted for fewer years so they probably are less likely to be associated with health problems at this point in time. Since virtually all the large studies have included implants from the 1960's, 1970's, 1980's, and several have included implants from the 1990's, one would expect that these studies would be less likely to find evidence of health risks than studies that focus on the thinner "second generation" implants.

2. Research should focus on long-term implant use. Most of the studies have included women who had implants for short periods of time, such as one month. Since experts believe that long-term implantation is more likely to cause problems, analyzing a group of women that includes women who had implants for less than one year, or even less than five years, probably decreases the likelihood of finding a statistically significant association with illness.

3. One cost-effective strategy would be to conduct research on women with ruptured implants, since experts believe that silicone gel or liquid that has escaped from the implant is more likely to cause problems than an intact implant. This is related to the first and second points noted above, since implants that have been in place longer are more likely to be ruptured than recently inserted implants, and second generation implants are probably more likely to rupture than those older or younger. There are many reports of implants that ruptured within the first five years of use, however, so the duration of the implant placement is not the only factor influencing likelihood of

rupture. By focusing on the "worst case scenario" of women with ruptured implants, and comparing them to women with intact implants for similar periods of time and women of the same age and similar demographic traits but no implants, it would be possible to gather more meaningful information using smaller samples.

4. Another essential design issue is to separately analyze breast cancer patients and augmentation patients. They have been analyzed together in most studies. The "public health need" of breast cancer patients is a major reason why silicone breast implants have remained on the market despite limited safety information, and yet very few breast cancer patients have been studied. There is some evidence that they have more implant problems than augmentation patients. Most breast cancer patients do not choose silicone gel breast implants, but it is essential that research be conducted on an appropriate number of the women who do.

5. In terms of outcomes, research is needed to evaluate many measures of illness and health, not just auto-immune disease and cancer. Implanted women report many symptoms, and some of these symptoms are not necessarily related to auto-immune disease or cancer. The selection of those diseases as a focus may have more to do with litigation than with current knowledge about implant problems. It would be appropriate to look at a wider range of illnesses and symptoms, and determine how women with implants differ from other women of similar age and health habits. After all, the important issue for women is whether implants increase their risk of serious illness, not limited to cancer and classically defined connective tissue diseases.

Of course, when rare diseases are being studied, the number of women with implants must be adequate to meaningfully evaluate an increased risk of that disease.

6. More research is needed on "local" problems, such as pain, hardening, and rupture. Previous studies have focused on systemic illnesses, but local complications can seriously threaten a woman's quality of life, and women need that information before they make a decision about whether to get implants or whether to remove them. Although there is general agreement that rupture and breast hardening are problems, there is considerable debate about the frequency and severity of these problems and whether they can evolve into diffuse soft tissue pain syndromes.

7. In all studies, every effort should be made to statistically control for any differences between implant patients and other women that could influence health, such as age, weight, diet, and health-related behaviors such as smoking. This is essential to any epidemiological study, but only the most basic factors, such as age and race, were taken into account in most of the published studies.

In summary, much remains unknown about the risks of silicone breast implants. Studies that are not well-designed cannot provide conclusive information, whether there are two studies, 20 studies, or 200 studies. Therefore, breast implants cannot be considered safe based on the available research to date, and well-designed studies are essential in order to inform women about the safety of the implants that are currently in their bodies, as well as the newest implants that are still being chosen by thousands of women every year. Thus far, the burden of proof of safety has fallen primarily on manufacturers of breast implants under the regulatory oversight of the FDA. Unfortunately, this strategy failed for more than three decades, resulting in no epidemiological studies until law suits created a strong financial incentive to conduct research that would prove that implants are safe. In recent years, the major studies have primarily been funded by those with a financial interest in the outcome, such as the manufacturers or the American Society of Plastic and Reconstructive Surgeons, and the studies have tended to address the questions raised by litigation. Because the financial stakes are so high, it is especially difficult to trust the objectivity of manufacturer-sponsored studies, even when conducted by well-respected researchers.

Meanwhile, the FDA has allowed silicone gel implants to stay on the market in poorly implemented "clinical trials," and still has not required a single study of saline breast implants to be submitted for review. The hope that new research will provide the answers must be tempered by the knowledge that there are strongly vested interests on both sides, because hundreds of thousands of women have silicone gel implants in their bodies and the number of women receiving saline breast implants is now more than 120,000 each year, an increase of more than 1,000 percent since 1990.

Among the many unanswered questions, one will determine whether the others are answered: will the scientific community, with the support of the U.S. Department of Health and Human Services and private foundations, have the will and the funding needed to conduct the well-designed, independent research necessary to determine the long-term and short-term safety of both silicone gel and saline breast implants?

ENDNOTES

[1] In 1990, there were published estimates of 2 million implanted women, which were later determined to be approximately double the accurate number based on the approximately 2 million breast implants that had been sold. Since many implants have been replaced at least once, and many women have had their implants removed, the estimated number of implant patients has been one million since the early 1990's.

[2] Hereinafter referred to as Hearing, Dec. 18, 1990.

[3] These "clinical trials" do not have control groups or comparison samples, and patients have complained to the FDA that their efforts to report health problems have not been included in these "studies."

[4] Plastic surgeons frequently mix antibiotics and other chemicals with the saline that they put in the implants.

[5] The comparison samples in all these studies are larger, but the implant sample sizes remain a serious shortcoming.

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MISCELLANEOUS

A VIABLE STRATEGY FOR WOMEN'S PROGRESS

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ABSTRACT

This paper outlines a viable strategy for women's progress in the United States. It argues that the best starting point is Betty Friedan's recent book, Beyond Gender: The New Politics of Work and Family. Yet it maintains that Friedan's vision of a "new paradigm" needs to be developed and expanded. Friedan calls for an end to adversarial identity politics that opposes people along the lines of gender, race, and class. While the Friedan turn toward a less divisive politics is supported, it is argued that significant emphasis of gender (and racial and class) injustice is still needed. This developed version of the new paradigm is sketched. Special attention is paid to strategic features of a major issues campaign for a national family policy.

This essay outlines a viable strategy for women's progress in the United States.[1] It suggests that we begin with the recent of work of Betty Friedan, but it argues that Friedan's vision needs to be developed and expanded. The paper is quite broad in scope. Nevertheless, it contains a number of specific suggestions about political strategy.

In section I, I explain Friedan's approach to women's progress. In section II, I explain my departure from Friedan. Section III identifies an overarching strategy for women's progress. Section IV identifies some specific features of a strategy for a major issues campaign. Concluding remarks are found in section V. Since this is a short paper, most of the arguments are presented in condensed form.

I. START WITH FRIEDAN

A viable strategy for women's progress should begin with Betty Friedan's recent book, Beyond Gender: The New Politics of Work and Family.[2] This book brings together many of the ideas of participants in the two year "New Paradigm" seminar held from 1994 to 1996 at the Woodrow Wilson Center for International Scholars. Friedan's vision provided the framework for these dialogues. Heidi Hartmann, President and Director of the Institute for Women's Policy Research, co-chaired the seminar. I had the pleasure of attending all of the seminars in the second year, one of which I participated in as a panelist.[3] I also attended one in the first year and several related seminars held at Mount Vernon College.

Friedan argues that American women are most interested in basic issues about work and family and that many of the leading women's organizations in the last twenty years have given far too much emphasis to issues about sexual harassment, abortion, pornography, and rape, namely issues central to "sexual politics." Moreover, she thinks that the whole spirit of "identity politics"— namely a politics which opposes people along lines of gender, race, and class—is impeding real social progress.

In place of an adversarial, polarized identity politics Friedan calls for a "new paradigm" that would focus on uniting groups often opposed—especially men and women—into a common project to build community in the United States. Since the new global economy has led to a transformation of the American workplace, a systematic response is needed that will enable women and men to balance their work and family responsibilities. Friedan gives great emphasis to the problem of "downsizing." She believes that American families are suffering as a result of corporate profit-maximizing strategies in an era of increasing competition. Among other things, Friedan asks us to consider a shorter work week, numerous family-friendly work policies, and an increased role for community activism in the third sector often in partnership with either the government sector or the market sector.[4] Friedan writes:

> *For a basic restructuring of our economy is needed now—countering the income inequality, confronting the needs of the family that can't be ignored in a workplace where women now equal or outnumber men, and more and more men share the parenting responsibilities. And this restructuring can't be accomplished in terms of women versus men, blacks versus whites, old versus young, conservative versus liberal. We need a new political movement in America that puts the lives and interests of people first. It can't be done by separate, single issue movements now, and it has to be political, to protect and translate our new empowerment with a new vision of community, with a new structures of community that open the doors again to real equality of opportunity for the diverse interests of all our children—a new evolution of democracy as we approach the new millennium.*[5]

Friedan, it is important to note, does not believe that women and men are treated equally. She believes that women continue to bear a disproportionate share of housework and child care responsibilities.[6] She also believes that women suffer from inequities in the paid labor force.[7] Yet there is no doubt that she minimizes these points in order to give center stage to her view that it is families overall that are suffering.

II. A DEPARTURE FROM FRIEDAN

While the leader of the modern women's movement has struck the right note in her call for an end to an adversarial politics that does not confront the issues that matter most to most women, she has gone too far in emphasizing the shared burdens that men and women often shoulder. Men and women must find a way to unite, but women's progress will depend on a form of unity that gives a great deal of emphasis to the injustices American women face.

My main criticism of Friedan—and I do regard my criticisms as those of a sympathetic critic—is that her analysis recognizes suffering and injustice between families and the rest of society but it does not adequately recognize suffering and injustice that arises within families. A viable strategy for women's progress must recognize both kinds of suffering and injustice.

The suffering and injustice within families—including violence toward women and unfair burdens placed on working mothers—are, of course, causally related to sexist structures of our major economic and political institutions. Any number of feminist viewpoints explain how moral problems in the private sphere are intertwined with moral problems in the public sphere, the so-called "personal is political" thesis.

In her effort to overcome harmful dichotomies, Friedan invokes a dichotomy—families versus the rest of society—that is not in the best interests of women.[8] For by focusing on the shared interests of men and women Friedan undercuts the ability of progressives to call for special responsibilities to be given to men in the home. Indeed, that demand must be integrated with a demand for corporations to take on new responsibilities. The link between men and corporations must be broken before men and women can be united in a common quest to find a new relationship between families, corporations, and the federal government.[9]

Said in another way, Friedan's new paradigm is a good place to start but it overemphasizes the role of the changing economy. In a word it gives too much emphasis to economic issues. Friedan is right that working parents are under increasing economic pressure in the new global economy (though the downsizing problem that troubled her in 1994 is less of a problem today). But we need an analysis of women's situation which gives equal (or almost equal) attention to issues that are not directly about the economy even though they are often intertwined with it. The issues that matter most to most American women—relationships with their partners, relationships with their children, relationships with their parents and friends, success and pay equity in their careers, service in their communities, religion, and the health and safety of themselves and their families—cannot be explained or confronted from an economic perspective alone.[10] Friedan is thus oversimplifying women's situation when she writes:

> *Is the recent feminist focus on abortion rights attacks, violence against women, sexual harassment, and rape a focus on symptoms of an even greater threat to women's empowerment—the economic threat from the jobs crisis confronting men and women?*[11]

My critique, which I am only sketching here, has a number of related strands. First, there are topics that need to be addressed that cannot be reduced to an economic analysis, including intimacy, nurturance, and domestic violence. Second, addressing these topics will require an adequate moral and political psychology. Finally, third, an adequate analysis of topics like intimacy, nurturance, and domestic violence will involve a careful discussion of the "personal is political" theme.

In order to effectively treat the topic of moral and political psychology, an eclectic approach is needed. Among the important work to be considered is that of Nancy Chodorow, Carol Gilligan, and Deborah Luepnitz.[12] Friedan's new paradigm includes discussion of topics in economics, political science, history, and sociology. Psychology must also be included, especially if a viable strategy for women's progress is going to be articulated. Three points are really being made here about psychology: (1) The new paradigm needs a psychological component; (2) It especially needs a moral and political psychology component; and (3) It should give special emphasis to feminist moral and political psychology.

My sympathetic critique can be summed up as follows: We must move beyond a politics of gender oppression, but we must not move beyond a politics of gender analysis. We need a language of politics that is about gender—as well as race and class—but it must be an inclusive language. This inclusive language must make needed criticisms of men, corporations, and politicians even as it forges the basis for a new vision of community.

III. AN OVERARCHING POLITICAL STRATEGY: A POLITICS OF CONSOLIDATION

We do not live in a time of clear injustice, as we did in the 1950s or the 1850s. Nor do we live in a time of clear justice. We live in a time of unclear injustice. The injustice exists, it is just very complicated to explain. Moreover, even where it can be explained it is very difficult to mobilize citizens or Congress to end it.

We live during an era of ambiguity, where it is often unclear how much progress has been made for women and where it is often unclear what kinds of solutions are needed for problems. The end of the Cold War, the rise of information technology, the globalization of markets, the persistence of political scandals and corruption, and the changing nature of the American family—these factors combined have created a time of confusion. The strong economy—which of course is not strong for everyone—has not clarified let alone eliminated many of our deepest moral struggles.

The key to dealing with the ambiguities and tensions in the lives of approximately 100 million American women is to recognize that our entire society is experiencing these ambiguities and tensions. Since women are not at one on what balance between work and family they want, a viable strategy for women's progress must be sensitive to this diversity of viewpoints. A viable strategy for women's progress—especially at the level of a broad public philosophy—must speak to the interests of working mothers, stay-at-home mothers, mothers who work part-time, working women who are not mothers, and women on public assistance (who often work part-time).[13] Since most American men are confused about what American women expect of them, a viable strategy for women's progress must also harness men's confusion. It must also find a way to meet men's genuine needs.

I call the new overarching political strategy a "politics of consolidation" because it aims to consolidate on the gains won by women (as well as minorities and consumers) in the last generation even as the way is prepared for more change in the future. But moving forward will require emphasizing concepts of personal responsiblity, moral order, and community that the major social movements of the sixties and certainly the me-generation focus on the 1980s did not have. If we look to old models of change to transform our unique era, then we mock the very concept of change.

The point about consolidation has been made by E.J. Dionne, Jr., author of They Only Look Dead: Why Progressives Will Dominate the Next Political Era and a Senior Fellow at the Brookings Institution.[14] This concept is also implicit and at times explicit in the writings of Amitai Etzioni, author of The Spirit of Community and The New Golden Rule and the leader of the Communitarian Movement.[15] Dionne and Etzioni both participated in Friedan's seminar.[16] Etzioni's communitarian public philosophy—which centers around building a responsive community where rights and responsibilities are balanced—needs to be synthesized with Friedan's vision; and a complete program would incorporate much of Dionne's analysis of American politics today. The politics of consolidation as I am articulating it, I should emphasize, seeks a balance between rights and responsibilities in order to build a responsive community, but it gives more emphasis to the responsibilities of men and corporations since women are still taking on too many responsibilities.

The place to launch this "politics of consolidation" is family policy. In particular, we need family policies that are directly about child development and parenting—and that means policies about paid parental leave and subsidized child care. This is the case because the ambiguity and ambivalence that pervades American culture today is most visible in the changing nature of the American family, where most women work and where three out of ten families are headed by a single parent, most of whom are women. We have yet to have political and economic changes that are commensurate with the social changes of the last generation. We need a coherent response to these changes.

What I call "The Family Unity Act"—a set of policies that would provide a year of paid parental leave to parents with newborns, a modest tax credit for stay-at-home parents, and most of the cost for day care for preschool children—would thus be the central feature of the politics of consolidation.[17] My arguments build on the work of people ranging from Sheila Kamerman and Alfred Kahn to Heidi Hartmann and Barbara Bergmann to Lillian Rubin, Naomi Scheman, and former Congresswoman Patricia Schroeder.[18]

The Family Unity Act (which I cannot argue for here) is actually intended to be a "unifying theme" for a new progressive vision.[19] It is thus the central feature of what I have called a politics of consolidation. Here I will just identify five of the ways The Family Unity Act would be a unifying theme. The Family Unity Act would unite people across class, race, and family structure because it would provide help for all families; it would unite people practically because building strong families is an ideal theme to organize around; it would unite individual families because parents and children alike would be provided with new opportunities for stability and happiness; it would unite the aims of families with economic aims of corporations, since there are short term and long term benefits for corporations if families are stronger; and it would serve as a conceptual unifying force for other related policies, including other family policies as well as policies concerning topics ranging from education to health care to the environment to campaign finance reform.

IV. KEY ELEMENTS OF THE POLITICS OF CONSOLIDATION

In this section I identify six specific aspects of a broad issues campaign for The Family Unity Act. These specific notions are designed to implement the larger strategy for women's progress. Following Friedan, I believe that the best strategy for women's progress depends on orchestrating a sound strategy to advance the interests of families.

1. While those fighting for women's interests must maintain some defensive, protective strategies against the far right, especially the religious right, the best strategy for launching a decade of change would be to adopt an offensive, proactive strategy that appeals directly to persons who are broadly sympathetic to progressive institutions. While there will be opponents to defeat, proponents of The Family Unity Act should concentrate on convincing those in the middle by focusing on the strengths of the positive vision.

   In the same way that good marital and family therapy, especially in the feminist tradition, requires that men become seriously involved in the therapeutic situation, a political strategy for change must involve men in the dialogue rather than identify men as the group that must change.[20] This kind of frontal attack strategy does not suit the times. Trying to transform traditional masculine independence is certainly an ongoing struggle.[21] But American masculinity is fragmented in many ways today. While the battle is still uphill, it is not the same battle that existed in 1950 or 1900 or 1850.
2. As in all good campaigns, proponents of The Family Unity Act should begin from a base of those who will support the bill, ignore those who will probably never support it, and then seek to convince those who are in the middle. Majorities move democracies. It is of the first importance to remember that a new progressive agenda does not need the support of everyone. Therefore, resources should be devoted toward winning majorities.
3. The emphasis in the next few years should not be placed on working a bill through Congress. The emphasis should be placed on generating a public dialogue (a major theme emphasized by Amitai Etzioni[22]). If legislation is rushed through Congress (and various child care bills are pending) it will not have the backing of leaders—in politics, in business, in the entertainment industry, in nonprofit organizations—that is needed for effective social change. Moreover, the current bills are much too modest.
4. It is essential to emphasize that there is no one "dialogue" about women's issues in America today. Indeed, there is often not a dialogue at all. There are just people talking. And often women are not being listened to in a responsive way. There is the domain of American politics—at the federal, state, and local levels; there is the domain of the workplace; there are the conversations in therapy and in divorce groups and on the Internet; there is the print media as well as television and radio; there are a set of academic discussions. A politics of consolidation would actually exploit the fact that there is no one dialogue and try to forge a consensus on some basic issues about women and the family. Moreover, it would show that the backlash against feminism is more a product of media manipulation than the reflective beliefs of the majority of American citizens.
5. It is important not to underestimate the intelligence and interest of American citizens, especially those in the middle. Such issues as the sex/gender distinction should be brought into the dialogue and debates over the distinction should be promoted. Avoiding confusion in a time of ambiguity requires recognizing that confusion when it exists. It is one thing to be confused because you are essentially ignorant of the problems; it is quite another to be confused because, having studied the problems, you discover that the problems are very confusing and locating solutions to the problems is very complicated. Progressives must convince people that our problems today are extremely complicated.
6. A viable strategy for women's progress must treat issues ranging from sexual harassment to abortion to rape, but it must find a way to unite men who are not harming women in the battle against those who are. A successful issues campaign for The Family Unity Act would create the right conditions for these important topics to be addressed.

V. CONCLUSION

I wish to close this short paper with a few remarks about leadership. An effective strategy for women's progress, of course, will require a substantial place for leadership. For effecting social change always requires effective leaders. The following general features of the leadership strategy can be noted here.

First, those working for women's progress should recognize that the era calls for collaborative efforts with leaders and organizations in government, in the private sector, and in the growing third sector. While coalitions have always been necessary, there is a special need for working with others today that did not exist in the past. Leaders working for women's progress should be less suspect than they have been in the past of groups not defined in terms of women's issues. This is risky, but the times call for reaching out and risk-taking.

Second, leaders should recognize that they have a moral responsibility to inspire citizens to act beyond the letter of laws when laws do in fact exist.[23] While leaders should of course inspire people to volunteer where no laws exist (e.g., at shelters for battered women), a critical challenge for leaders in the next generation is to inspire citizens to follow laws with new forms of energy and commitment. Corporate leaders, for example, should inspire families to divide up child care responsibilities (at least where both parents work) in more equitable ways. If The Family Unity Act was in place, then it would be more effective to the extent that corporate leaders motivated their employees to use the benefits provided from the law with maximum energy and maximum moral commitment. The actions of the leaders and the followers cannot be written into the statute, but they can be based on it.

School teachers and principals, in related ways, can use laws as a basis for a new spirit of moral commitment and community. Changing men's attitudes is perhaps the largest obstacle facing those working for women's progress. Many important legal obstacles have been removed in the last generation.[24]

Finally, third, leaders inside and outside of corporations must find a way to deliver the message that a humane society requires that the interests of women—minorities and children—must be given priority even though corporations, white men, and public leaders will not be castigated, humiliated, and fought as enemies. Reverend Martin Luther King, Jr. always said that it was important to have compassion for your oppressors.[25] And if the concept of oppression is, following Friedan's lead, too harsh for the current climate of opinion, then the concept of having compassion for those who must change the most is still vital to an effective strategy for progressive change.

ENDNOTES

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2. Betty Friedan, Beyond Gender: The New Politics of Work and Family, edited by, Brigid O'Farrell (Washington, D.C.: Woodrow Wilson Center Press, distributed by The Johns Hopkins University Press, 1997).

3. Beyond Gender, p. 95.

4. Friedan—who gives great emphasis to the shorter work week—is influenced by, among others, Jeremy Rifkin, author of The End of Work: The Decline of the Global Labor Force and the Dawn of the Post-Market Era (New York: Jeremy P. Tarcher/Putnam Book, published by G.P. Putnam's Sons, 1995). See Beyond Gender, pp. 41-43.

5. See Beyond Gender, p. 116.

6. Beyond Gender, p. 9.

7. Beyond Gender, p. 9.

8. A similar problem affects other important recent progressive writings, e.g., Stanley B. Greenberg and Theda Skocpol (editors), The New Majority: Toward a Popular Progressive Politics (New Haven and London: Yale University Press, 1997); and Sylvia Ann Hewlett and Cornel West, The War Against Parents (Boston and New York: Houghton Mifflin Company, 1998).

9. I make this argument in "Part of the Project of Building a Progressive Coalition: Uniting Working Mothers and Welfare Mothers Behind a National Family Policy," Inherent and Instrumental Value, edited by John M. Abbarno (Bethesda, Maryland: Intention Scholars Publications, forthcoming 1999).

10. This line of argument draws on various critiques of certain versions of liberal democratic theory. Max Weber critiqued both neoclassical economic theory and historically based economic theory because they employed a monistic theory of explanation (and of course he criticized Marxist theory for the same reason). The less well known critique in capitalist economic theory is instructively discussed by Richard M. Swedberg in "The Battle of Methods: Toward a Paradigm Shift?" in Amitai Etzioni and Paul Lawrence (editors), Socio-Economics: Toward a New Synthesis, pp. 13-33. I incorporate and begin to modify this account in my "Communitarian Approaches to the Economy," Merits and Limits of Markets, edited by Herbert Giersch (Berlin, Heidleberg, New York: Springer-Verlag, forthcoming 1998), pp. 29-52. See pp. 36-38. I am also drawing on various critiques of liberal feminism, by both gender difference feminists and socialist feminists. See, e.g., Alison Jaggar, Feminist Politics and Human Nature (Totowa, New Jersey: Rowman and Allanheld, 1983); Mary Fainsod Katzenstein and David D. Laitin, "Politics, Feminism, and the Ethics of Care," Women and Moral Theory, edited by Eva Feder Kittay and Diana T. Meyers (Totowa, N.J.: Rowman and Littlefield, 1987) pp. 261-281. Needless to say, I depart from Friedan's economic-driven analysis of women's problems even though I cannot develop a pluralistic alternative in this article, one that would occupy a new space in discussions about the welfare state. A dated attempt of my own is "False Stability and Defensive Justification in Rawlsian Liberalism: A Feminist Critique," The Ethics of Liberal Democracy: Morality and Democracy in Theory and Practice, edited by Robert Paul Churchill (Oxford and Providence, RI: Berg Publishers, 1994), pp. 47-70.

11. Beyond Gender, p. 18.

12. Nancy Chodorow, The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender (Berkeley and Los Angeles, California: The University of California Press, 1978); Carol Gilligan, In A Different Voice: Psychological Theory and Women's Development (Cambridge: Harvard University Press, 1982); and Deborah Anna Luepnitz, The Family Interpreted: Psychoanalysis, Feminism, and Family Therapy (New York: Basic Books, 1988).

13. The myth that women on welfare do not work at all is challenged in numerous places by Heidi Hartmann's Institute for Women's Policy Research. See, e.g., "Few Welfare Moms Fit the Stereotype," Research in Brief, Institute for Women's Policy Research. This fact sheet is based on the report called "Welfare That Works: The Working Lives of AFDC Recepients," by Roberta Spalter-Roth, Beverly Burr, Heidi Hartmann, and Lois Shaw.

14. Dionne makes this point at the end of his first book, Why Americans Hate Politics (New York: Simon and Shuster, 1991),
p. 369, but it informs the main line of argument of his second book, They Only Look Dead.

15. See especially The New Golden Rule: Community and Morality in a Democratic Society (New York: Basic Books, 1996), chapters two and three. Also see The Spirit of Community: The Reinvention of American Society (New York: Simon and Shuster, 1993).

16. On Dionne, see Beyond Gender, pp. 87-88. On Etzioni, see p. 70 and pp. 72-73.

17. I call for a policy of about 75 billion dollars a year. I address objections to the costliness objection in the papers cited in note 19. Suffice to say here (1) In an age of budget surpluses this figure is more reasonable than in an age of budget deficits, and (2) Until we devote a great deal of money to these critical needs we will continue to demonstrate that we do not really value children's well-being.

18. Sheila B. Kamerman and Alfred J. Kahn, Starting Right: How America Neglects Its Youngest Children and What We Can Do About It (New York: Basic Books, 1998); Barbara Bergmann, Saving Our Children From Poverty: What the United States Can Learn From France (New York: Russell Sage Foundation, 1996); Heidi Hartmann et al., "Using Temporary Diability Insurance to Provide Paid Family Leave: A Comparison with the Family and Medical Leave Act," Research in Brief, Institute for Women's Policy Research, May 1995. This fact sheet is based on the report called "Expanding Social Insurance to Include Paid Family Leaves" by Heidi Hartmann, Young-Hee Yoon, Roberta Spalter-Roth, and Lois Shaw; Heidi Hartmann and Barbara Bergmann, The Nation, 1995; Naomi Scheman, "Individualism and the Objects of Psychology," Discovering Reality, edited by Sandra Harding and Merrill B. Hintikka (Dordrecht: D. Reidel Publishing Company, 1983); Lillian Rubin, Intimate Strangers (New York: Harper and Row Publishers, 1983); and Congresswoman Patricia Schroeder with Andrea Camp and Robyn Lipner, Champion of the Great American Family (New York: Random House, 1989).

19. I have discussed these arguments in a number of places, including "A National Family Policy and Progressive Politics: Remarks Delivered to Betty Friedan's New Paradigm Seminar on Reframing Family Values," The Woodrow Wilson Center for International Scholars, February 1996; "The Family Unity Act," the 8th Annual Conference on Socio-Economics, The University of Geneva, Geneva, Switzerland, July 1996; and "The Family Unity Act," Unpublished. The core argument for a national family policy is also central to the main line of argument of my doctoral dissertation, Reconstructing the Justice Dispute in America (Department of Philosophy, University of Michigan, 1990).

20. See, e.g., Luepnitz cited in note 12 above.

21. Phyllis Palmer is right to emphasize this problem in "Comment: Feminist Theory and Strategy," which discussed the three papers at our panel.

22. This is a central theme of The New Golden Rule.

23. I have made this argument in "Based on the Law But Beyond the Law: Toward a Communitarian Theory of Moral Inspiration," Conference on Law, Culture, & the Humanities, Georgetown University Law Center, Washington, D.C., March 1998.

24. I offer a suggestion about how schools could play a leadership role by combining character education programs with environmental education (moral and scientific) in "Communitarian Approaches to the Economy." See pp. 41-42. Specific reference is made to the pioneering work of Maryland Lieutenant Governor Kathleen Kennedy Townsend.

25. I raise a set of questions concerning the relevance of King's views of a beloved community to the moral crisis in America today in "Scholars Roundtable: Remarks on Dr. Martin Luther King, Jr's Concept of the Beloved Community," Institute for Conflict Analysis and Resolution Newsletter (George Mason University), Volume 7, Number 3, Winter 1995, pp. 11-12. This essay is based on a short keynote address delivered at the 1995 Conference on Conflict Resolution and Peace Studies held at George Mason University.

SOCIAL CITIZENSHIP AND WOMEN'S RIGHT TO WORK IN POSTWAR AMERICA

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According to political theorist T.H. Marshall, the right to work is an essential civil right. For women, however, exercising this right depends on acquisition of more rights. These include other civil rights, such as equal pay and freedom from discrimination, as well as the rights of social citizenship, such as child care and maternity (pregnancy) leave. Such services or benefits neutralize the cultural assignment to women of child bearing and rearing, thus allowing them to enter the labor force on an equal footing with men. Insofar as women's struggle for equality in the workplace entails articulating their differences from men—the needs of workers who are also, often, mothers—women become embroiled in the discursive paradox of sameness/ difference. This formulation implicitly casts them as subordinate at the very moment it invokes their responsibilities to home and family.

Historians tend to discuss women's struggle for workplace equity-equal pay, equal opportunity, and equal seniority-as if such rights existed apart from non-workplace factors. But women labor activists have for some time understood that their rights at work required a fundamental transformation of the structures of society that act as barriers to female labor force participation. This in turn depended upon challenging cultural constructions that figured the typical worker as male and associated women with motherhood and motherhood with the home—constructions that employers deployed to justify labor market segmentation by sex, race, marital status, and age (factors which all too often worked together).

This paper begins to trace the connections, overlaps, and conflicts among discourses and struggles for the right to work, on the one hand, and for child care and maternity leave on the other, that emerged during the postwar period. Focusing first on the late 1940s and 1950s and then on the period from the late 1960s through the 1980s—that is, before and after Title VII of the Civil Rights Act of 1964 and the second wave of feminism, we consider different sets of social actors: trade unionists, the U.S. Women's Bureau, feminists both outside of and within the union movement, and employers. During the first period, trade union women and their reformer allies discussed rights in terms of needs; during the second, they attempted to construct needs as entitlements. In these years—of the maintenance of the New Deal Order and its Great Society extensions—the private/public form of America's welfare state limited the extent to which universal welfare measures could not only enable women's wage earning but generate equity for those who were non-male, non-white, or both.

The concept of rights takes on a different meaning for women whose responsibility for child bearing and rearing often undermines accessibility to a citizenship constructed through participation in waged labor. The New Deal order privileged publicly performed work and employment; it relied upon the model of the citizen-worker to establish social security benefits, thus making jobs crucial for full citizenship. This formulation discriminated not because it directly excluded people on the basis of their race or gender or race and gender, but because it indirectly eliminated them by excluding those who labored at uncovered occupations or whose labor force attachment failed to meet statutory standards.

African American women, more often than white women during the first half of the twentieth century, worked for wages. But they experienced exclusion from social rights because the jobs allocated to them remained uncovered by social security, labor standards, or union contract. Going against the norm that married women and mothers belong in the home left black women open to cultural constructions that they were lesser women—or their men, lesser men—because the women were wage earners. In contrast, white women had access to greater public as well as private benefits through family ties to white men, thus mitigating gendered disadvantage.

African Americans, regardless of sex, have stood in a complex relationship to Marshall's terms of citizenship, denied civil and political rights at the same time that they struggled for social ones. "The Dual Agenda"—civil rights and economic equality—had a third dimension, social citizenship, which depended on and in turn enabled the right to earn living wages. This was the "catch-22" for all women workers, regardless of race. Their ability to labor depended on social provisions to which they had access only if they were situated favorably in the labor market to begin with. Last hired and first laid off during World War II, women (particularly the African American among them) lacked the seniority to open up equal opportunities in industry, the sector most protected by union contract and labor legislation. Relegated to the mostly unorganized sales, clerical, other service, and light manufacturing realm, they could not take advantage of the most generous private, employment-based benefits, which were, in any case, designed primarily with male workers in mind. Nor could they afford to purchase goods and services such as high-quality child care, comprehensive health insurance or health care on the market.

But when wage-earning women turned to the larger public system of social welfare, they also came up empty-handed. Under the public/ private welfare state regime that characterized American social provision (and which industrial unions played such a key role in forging in the expanding economy of the mid-twentieth century), the state sector remained underdeveloped, its provisions limited. Instead of moving toward a universalistic conception of entitlement, the state was mired in a "residualist" paradigm that tended to offer goods and services only to those marked as exceptional—poor, pathological, "at-risk." Since "normal" wage-earning women did not fall into those categories, they were denied access to state benefits.

Thus before they could enjoy full citizenship, American women faced multiple tasks. They had to claim simultaneously both social and civil rights, a feat that entailed reconfiguring and expanding a recalcitrant welfare state as well as a discriminatory labor market.

[Paper abridged at this point: what follows are detailed discussions of several examples of struggles for women's social citizenship, including maternity leave, health care, child care, and other benefits, on the part of women within the UAW, and on the part of the Women's Bureau and the Coalition of Labor Union Women.]

CONCLUSION

From the 1980s on, successive Republican administrations effectively stunted the growth of the public welfare sector by dismantling the programs of the Great Society. At the same time, they were actively promoting the growth of the private sector, that is, of benefits offered either through employers or through the market. Such a distribution of social provisions puts women, especially low-income women, as well as minorities, at a severe disadvantage. This was especially true in the area of child care, where union initiatives proved less efficacious than independent management prerogatives when it came to making decisions about whether to create employer-sponsored services. Many small but highly-capitalized non-union firms in fields such as high-tech and finance decided to start on-site facilities to accommodate highly paid personnel who were costly to train. While federal support for child care increased, most of it was linked to welfare reform—not only inaccessible to most wage-earning women but stigmatized as well.

Most of the rights that make up social citizenship for American women remain primarily the prerogative of middle- and upper-income females. While the FMLA guarantees employees their jobs after returning from leave to give birth or care for a family member, only the most highly-paid women, or those who can depend on other form of support, can afford to avail themselves of this right. Low and moderate-income women are ineligible for subsidized public child care and seldom have access to, or can afford to purchase, high-quality employer-supported services. At the same time, the best market child care services are usually beyond their budgets. Federal law now guarantees equal medical and disability benefits for pregnancy and related medical conditions, but many women workers, particularly new entrants to the labor force, are not entitled to medical insurance, either because their employers do not provide it or they have not worked long enough.

Perhaps the least visible, but soon to become all-too-visible, inequity of the gender-and-race-divided public/private welfare state is in the area of pensions. Few Americans can afford to live on Social Security benefits alone, but a sizable proportion have no other resources to sustain them in old age. As a rule, only middle- and upper-income employees, those with union protection, and their dependents, have access to supplemental pensions and other funds. The marital instabilities of the postwar period, coupled with the racial and gender inequities of the labor market, have barred the majority of women and members of minorities from receiving or amassing such benefits.

Partly as a result of women's mobilization both inside and outside of the labor movement, in government, and in feminist organizations, and partly as an artifact of the economy, the postwar labor force participation rates of American women have consistently been among the highest in the world, and the U.S. labor market has become more gender-integrated than that in most other advanced industrial societies. Yet while American women enjoy this and other civil rights to a greater extent than do women elsewhere, they do so without the assistance and security of most social rights—rights which women in many other modern societies take for granted. This means that for American women, freedom from discrimination (and even this is not assured) does not necessarily entail freedom to pursue education or training, work at a financially and psychologically rewarding job, or build a career and to care for oneself and others. The gap between social and civil rights remains one of the dubious hallmarks of American exceptionalism at the end of the twentieth century.

This recognition, that women's civil rights rest on their social rights, is not new, as we have shown, even if it has yet to be realized. By uncovering the linkages that trade union women and feminists made between these two realms of citizenship, we come to a further conclusion. The feminist debate over equality and difference, equal rights and special privileges, divides what demands connection. Not only is the dichotomy a false one, but its terms are actually interdependent. By recasting the argument, moving away from equality and difference to civil and social citizenship, we offer alternative terms of analysis, ones that are historically grounded in discourse no less than structure, civil society no less than the state.

WOMEN & MICROENTERPRISE: EMPOWERMENT OR HEGEMONY

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ABSTRACT

Our paper addresses the viability of microenterprise training and lending programs as an alternative to welfare for women below the poverty level. Our efforts draw upon the work of other scholars and five years of our own research on the U.S. microenterprise movement. Our research includes a case study of one U.S. program and a survey of 52 microenterprise programs. We move beyond simple endorsements or rejections of microenterprise, and provide suggestions about the circumstances in which microenterprise can best aid in poverty alleviation. In particular, our recommendations address the marketing of microenterprise to policy makers and the public in a more socially responsible fashion than is now the case.

Contemporary politics are filled with the rhetoric of welfare reform. Reform advocates allege that welfare benefits create dependency among recipients, and strain state and federal resources. Federal welfare reform legislation is intended to restrict the availability of welfare subsidies, to emphasize work requirements, and otherwise promote "self-sufficiency" rather than "welfare dependency." Reform advocates claim that mandatory work programs and time limits will stimulate individual achievement and "empower" individuals from disadvantaged populations to be in charge of their own destinies (Rose, 1995). Critics contend that such alternatives to welfare create low paid, low status jobs which lead to continued poverty and degradation rather than self-sufficiency (Bates & Servon, 1996). Since women and children comprise a majority of the nation's welfare recipients, and the welfare mother is a recurrent image that pervades political discourse on the subject, welfare policy is clearly an important women's issue for the turn of the century.

Over the past decade, microenterprise ownership has received increasing attention from media and policy makers; the number of programs that provide lending and training for such ventures is on the rise. A microenterprise is usually defined as a very small, owner-operated business with fewer than five employees (Spalter-Roth, Soto, Zandiapour, Braunstein, 1994:3). Most participants in microenterprise programs are women. In the absence of stable wage and salary jobs and consumer services in low-income areas, microenterprise supporters argue that self-employment is a strategy for improving the economic position of welfare recipients and other low-income families, and for promoting economic development in poor areas. Proponents argue that there is insufficient training and credit for the poor, especially women and minorities, who want to operate small businesses (Solomon, 1992).

Government at all levels has shown increasing interest in microenterprise. President Clinton and First Lady Hillary Rodham Clinton advocate microenterprise as an alternative to welfare, and as a strategy for economic independence among low income persons, women in particular (H. Clinton, 1997). The Small Business Reauthorization Act of 1997 expanded the Small Business Administration's Microloan Program and created a welfare to work microloan initiative. The U.S. Department of Housing and Urban Development (HUD) is trying to stimulate microenterprise lending in poverty stricken rural and urban areas across the U.S. The U.S. Department of Labor is also involved through its Welfare to Work grants program (AEO, 1997).

The focus on microenterprise as a method for poverty alleviation and economic development has also ignited serious concerns. Critics argue that microenterprise is no easy solution for poverty and welfare dependency (Bates & Servon, 1996). Only a few microenterprise programs have been able to adequately deal with the needs of women on welfare. Many programs speak of themselves as alternatives to welfare, but in reality, serve only the "better off" of low income groups. In the absence of significant resources tailored to the needs of poor women, microenterprise advocates may simply fuel justifications for the quick demise of government safety net programs.

This paper addresses the viability of microenterprise training and lending programs as a means of poverty alleviation and alternative to welfare for women at or near the poverty level. We move beyond simple endorsements or rejections of microenterprise, toward suggestions about the use of microenterprise in alleviating poverty among disadvantaged women and men of all races. We propose an agenda for socially responsible marketing of microlending to policy makers and the public.

We draw upon the work of numerous scholars, and five years of our own research on the U.S. microenterprise movement. Our research includes a case study of one microenterprise program and a survey of a national sample of 52 microenterprise programs (Cowgill, 1996; Jurik & Cowgill, 1996).

Our approach is informed by J.K. Gibson-Graham's analysis in The End of Capitalism (1996). This argument differs from claims that the resurgence of self-employment around the world is merely an extension of a global capitalist hegemony. In some instances, self-employment can provide workers with increased control over the means of production and their own surplus labor. It may enable the use of special skills typically lost in the sale of labor to large business. Self-employment may also allow individuals to avoid or even combat sexism and racism within corporate employment sectors (Raheim, 1997; Jurik, 1998).

We begin with the history and political-economic context of microenterprise programs in developing nations and recent transfer of such models to the U.S. Second, we discuss the various forms of microenterprise training and loan programs in the U.S., and their effectiveness for clients. Third, we discuss the limitations of microenterprise programs as a means of poverty alleviation for welfare recipients, especially white women and women of color. Fourth, we examine the ways that microenterprise might be packaged with other programs and policies and used to assist low income women including some welfare recipients.

HISTORY & CONTEXT OF MICROENTERPRISE PROGRAMS

U.S. microenterprise programs are inspired by programs in developing nations. Bangladesh's Grameen Bank, founded in 1976, uses microloans and peer support to alleviate poverty and social inequalities faced by women and the landless (Auwal & Singhal, 1992). Borrowers must pledge to disregard cultural traditions which, according to Grameen founders, thwart modernization and encourage women's economic and social dependence on men (Bornstein, 1996). Accion also offers technical assistance (Raheim & Bolden, 1995). Both programs make loans to higher risk clients and do not require traditional forms of collateral. Lending decisions are based upon the client's reputation and strength of the business idea.

Grameen and Accion rely on a peer lending model that dispenses loans through groups of borrowers. After business training and orientation to the program, clients may join "borrowers' circles" of four to nine persons. Group members review each other's business plans and make loans. Although supervised by the staff, most borrowers' circles have considerable autonomy in making lending decisions (Auwal & Singhal, 1992). After loans are distributed, groups are held responsible for loan repayment.

Peer lending programs have been applauded for their dual emphasis on training and lending, and for empowering clients with some autonomy and control over the lending process (Auwal & Singhal, 1997). These programs have targeted clients from socially and economically disadvantaged groups. The Grameen boasts a 98 percent repayment rate which many attribute to the ongoing support and repayment pressures in the borrowers' circles (Wahid, 1994). Accion has shown positive results for its clients over time in increasing business assets, revenue, and take-home income (Himes, 1997).

Microlending programs emerged amidst global concerns about poverty, hunger, corporate downsizing, high unemployment rates, and declining government expenditures for development and safety net programs. Such concerns have led to the development of a variety of U.S. hybrid programs. There are over 200 microenterprise training and lending programs in 44 states in the U.S. (Edgecomb, Klein, & Clark, 1996). Every month, new programs are established in different towns and cities across the country. According to Edgecomb et al. (1996), these 200 programs have served over 200,000 individuals, loaned over 44 million dollars, and assisted over 54,000 businesses in disadvantaged communities.

Most programs belong to a national organization, the Association for Enterprise Opportunity (AEO), formed in 1990 to "promote enterprise opportunity for people and communities with limited access to economic resources (AEO, 1997:3)." AEO advocates microenterprise-friendly policies at local, state, and national levels.

CHARACTERISTICS OF U.S. MICROENTERPRISE PROGRAMS

U.S. programs vary. Some offer business training and technical assistance; others focus on lending; some programs offer both lending and training (Edgecomb, et al., 1996; Jurik & Cowgill, 1996). Evaluations suggest that U.S. program loan default rates are between zero and nine percent. The U.S. rates are somewhat higher than the Grameen's, but compare favorably with other U.S. small business loan programs (Solomon, 1992). Sampled programs also serve large percentages of women (78%) and racial-ethnic minorities (62%). SELP research reports that "a large percentage of poor micro-entrepreneurs (62%) show significant income gains over time, and 23 percent had income gains large enough to move out of poverty (SELP, 1996)." However, follow-up data on clients suffer from serious sample selection biases: more successful clients are those most likely to participate in follow-up interviews (Anthony, 1996). Still, outcome results indicate significant successes for U.S. microenterprise programs in serving low income clients, especially women and minorities.

LIMITATIONS OF MICROENTERPRISE PROGRAMS AS WELFARE ALTERNATIVE

Some of the most highly publicized U.S. programs began by closely adhering to the Grameen and Accion models: they targeted low income clients, relied on character-based lending practices, and used peer lending formats. However, increasingly, U.S. programs are moving away from this mode (Jurik & Cowgill, 1996). Still, compared to traditional banks, microenterprise loan programs make smaller loans, and lend to higher risk clients (i.e., individuals operating newer businesses, possessing little collateral and/or having a poor credit history). Programs are also more likely to serve business start-ups and low income clients than are traditional banks (Solomon, 1992).

However, in programs across the U.S. and abroad, future funding may depend upon records of high rates of loan repayment. Over time, such concerns may pressure groups to scale back lending to high risk clients. This "creaming process" means fewer services for start-up business and higher risk clients, especially women on welfare (Blumberg, 1995; Edgecomb et al., 1996; Jurik & Cowgill, 1996).

In addition, one widely touted benefit of microlending programs has been the client empowerment realized through the peer lending format. Peer support is touted as especially helpful to welfare recipients and clients in start-up businesses. According to SELP (1994), only 20% (n=40) of U.S. programs continue to utilize the peer lending model. Some programs, which used peer lending at their outset, are discarding the practice as too costly to administer and too unwieldy given the heterogeneity and decentralized nature of modern U.S. urban and rural communities (Jurik & Cowgill, 1996). Even programs that still rely on peer lending have added staff approval rules. Thus, borrowers' circles may no longer have autonomy in making lending decisions. Program staff explain that this reduction in circle autonomy will improve client repayment rates (Nelson, 1994; Edgecomb et al., 1996).

Many microenterprise programs have also reduced their loan sizes, especially those available to first time borrowers. In some programs, the maximum amount of first loans is as low as $500. Such groups provide a step system for successful clients to borrow progressively larger and larger loans. In such step systems, first time loans are typically accompanied by some sort of training requirement (Cowgill, 1996). Although small loans work well for clients who are more concerned with training than with borrowing, few clients can start a business on $500.

In another step toward the world of mainstream finance, U.S. microenterprise groups are moving away from character-based lending. Increasingly, they require credit reports, loan committee review, and verification that the loan was spent on tangible business assets (Jurik & Cowgill, 1996).

Programs also face issues of cultural relevance and cultural sensitivity in training and lending practices. Despite the large numbers of women and men of color in their organizations, few programs reported any significant efforts to confront racial-ethnic differences and tensions in training and borrowing (Jurik & Cowgill, 1996). Few training programs dealt systematically with issues of gender and race discrimination that routinely confront women and minority businesses in the U.S. Our research suggests that programs treat issues associated with race, class, and gender as individual problems rather than as structural barriers (Jurik & Cowgill, 1996).

Despite publicity that portrays microenterprise finance as an alternative to welfare, only a handful of programs (approximately 7 of 200 programs) serve significant numbers of welfare recipients. Programs that served welfare recipients worked more as small demonstration projects rather than as large scale programs (Edgecomb et al., 1996).

Most evaluations suggest that microenterprise clients are quite highly educated. In one study of seven long running programs, 83 percent of all clients were high school graduates, 58 percent had some education past high school, and 27 percent have college degrees (SELP, 1996). Many microenterprise programs derive their low income client service estimates using HUD low income guidelines which are considerably higher than U.S. poverty guidelines (SELP, 1994; Balkin, 1993). Thus, programs are serving the "better off" of the poor.

Programs that truly serve welfare clients indicate that services must be tailored to the unique needs of very low income clientele often demoralized by the welfare system. These individuals are "less entrepreneurially ready and have less business experience than other microenterprise clients" (Edgecomb et al., 1996:28). They require more structured and lengthy training and follow-up services. Typically, such assistance focuses on developing personal skills and attributes, e.g., increased self esteem, appropriate business dress and demeanor. Since so many welfare clients are women, microlending programs who serve them must be mindful of the childcare and transportation needs that must be met in order for clients to operate businesses. One program (WSEP in Chicago) actually provides some childcare to assist welfare clients who are starting businesses. In summary, these data suggest that lending is made to the economically "better off" clients, training rather than lending is delivered to the poorest of clients (Bates & Servon, 1996).

Microlending staff find that to obtain necessary benefits, they must interface with the welfare system on clients' behalf. They try to protect the clients' business income and assets. Clients face the prospect of losing their benefits (including health care) before their businesses can support their families (Spalter-Roth, et al., 1994). Exemptions that allow for continued welfare benefits during business startup periods may be unable to sustain exemptions long enough for the business to become a viable income source (AEO, 1997; Spalter-Roth et. al, 1994).

An Institute for Women's Policy Research study (Spalter-Roth, et al., 1994) found that microenterprise contributes to the economic well being of recipients and former recipients of Aid to Families with Dependent Children (AFDC), but microenterprises provided only a fraction of a family's income package. The study estimates that successful women required an average of nine years before their business earnings were sufficient for them to get off of welfare (6). This lengthy period to move off welfare and into self-employment is clearly a major deviation from the spirit of federally legislated and state implemented welfare "reforms."

HOW TO PACKAGE MICROENTERPRISE FOR WOMEN ON WELFARE

Because of the intensity and expense of serving welfare clients (e.g., staffing costs, client needs), past microlending programs often abandoned that function (Jurik & Cowgill, 1996). This may be the right approach. However, it has two dangers. One is that despite this trend, microenterprise continues to be associated by media, AEO newsletters, program staff, and even some program evaluations as a strategy for poverty alleviation and an alternative to welfare (Else & Raheim, 1992; Raheim & Bolden, 1995). A second danger is that by moving out of the welfare arena, microenterprise programs remove an option that could offer some economic assistance and hope to welfare recipients.

A few programs have persevered in serving welfare clients. Recently, the Women's Self Employment Program (WSEP) received the first Presidential Award for Excellence in Microenterprise Development for poverty alleviation. However, WSEP has reported that only 1/3 of their women participants receive AFDC or other benefits (WSEP, 1996). WSEP staff argue that welfare regulations restricted them from recruiting AFDC clients (Balkin, 1993). Programs find it difficult even to keep accurate records of the number of welfare recipients they serve.

Microenterprise proponents continue to lobby state and federal officials about the changes needed in welfare regulations to make microenterprise a viable alternative for welfare recipients (AEO, 1997). However, recommendations still fail to sufficiently address the length of time it takes for small businesses to provide enough income for clients to get off of welfare. The recommendations also fail to emphasize that for poor women, microenterprise is just one of several sources of economic support. Poor women tend to package microenterprise with one or more wage jobs, and spousal or other family members' income (Spalter-Roth, et al., 1994; Edgecomb, et al., 1996).

Recent welfare-to-work program legislation and other funding incentives will undoubtedly encourage more microlending programs to target welfare clients. It will be important to evaluate the effectiveness of these future programs.

In the meantime, we would suggest caution in the marketing of microlending as a "door to self-sufficiency." Microlending advocates should constantly reiterate the following points:

1. Micro-enterprise is not for everyone. It cannot substitute for increasing the availability of decent-paying, secure employment opportunities in our society.
2. Microenterprise is only one small component in a package of poverty alleviation strategies for low income persons.
3. Extend welfare benefits to women long enough for their business earnings to support them.
4. Further change asset restrictions for welfare recipients to distinguish between personal and business assets.
5. Designate specialized case workers for self-employed welfare recipients.
6. Provide more funding for business training and follow-up support for welfare women starting businesses.
7. Micro-entrepreneurs need childcare, transportation, and other support services.
8. Develop micro-lending and training procedures that encourage client mutual support and collective business networks. Procedures should facilitate client input into microenterprise program policies and practices.
9. Emphasize multiculturalism in program training content and lending practices (speakers relevant to the client population in terms of gender, race, etc.). Discuss the structural barriers routinely faced by low income persons, white women, and men and women of color in business.

Given today's climate, we fear that these recommendations will be lost. Policy makers often look for easy answers and low cost solutions that pass the buck to the individual. Our suggestions provide an agenda in arguing for a new policy option—one that could, under the right circumstances, empower women both individually and collectively. Our agenda also suggests circumstances under which self-employment could be more than an extension of a capitalist "Horatio Alger" hegemony. Small scale business proprietorship increases women's sense of power in their families and in their communities (Raheim & Bolden, 1994). However, microlending is not the end of either welfare or poverty as we know it.

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PROPELLING MICRO-ENTERPRISE DEVELOPMENT FOR AFRICAN AMERICAN WOMEN (PUBLIC POLICY IMPLICATIONS)

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ABSTRACT

The research findings presented in this paper reflect primary data obtained from a national survey which addressed the problems and issues plaguing African American women operating micro-enterprises. For the purpose of this research, micro-enterprises are defined as firms with 30 or fewer employees.

The findings provide a concrete foundation for determining African American women's perceptions of social and political barriers to their success. The findings also reveal the owners' perceptions of their need for training. The responses give insight into the critical training, support, consulting and educational needs of this fast growing sector of the American economy. An understanding and sensitization to the specific needs of the African American female micro-enterprise entrepreneur must occur if public policy makers and government assistance agencies are genuinely interested in adhering to their varied missions related to propelling these micro-enterprise firms and their owners to a higher economic strata.

INTRODUCTION

Women-owned businesses are the fastest growing business sector of the economy. According to recent statistics provided by the U.S. Department of Commerce, in 1992 women owned over 6.4 million businesses, employed over 13 million persons and generated $1.6 trillion in business revenues (U.S. Department of Commerce, 1996).

Recent private research reports that as of 1996, there were nearly 8 million women-owned businesses in America, generating nearly $2.3 trillion in sales and employing 18.5 million people (one out of every five U.S. workers). The growth rate in the number of African American women-owned firms rose 75 percent between 1987 and 1992. African American women owned the largest share of firms owned by minority women (277,246 or 39 percent of minority women owned firms). African American women's receipts increased 30 percent during this same period, with average receipts of $31,000 (National Foundation for Women Business Owners, 1995). Many of these women-owned firms are considered to be micro-enterprises.

Research studies have shown that micro-enterprises are viable mechanisms for alleviating poverty. Numerous reports have indicated that women are major participants in programs designed to assist micro-enterprises. Thus, supporting institutions, organizations and public policy makers should develop educational and training programs and services which focus on the specific needs of women receiving services.

METHODOLOGY

A survey instrument was designed to gather the data, and it was mailed to all 500 African American women business owners listed in the *National Minority and Women In Business Directory*. This publication lists African American women owned businesses located in the United States. Respondents were asked to use a 5-point Likert Scale to express their opinions about stressors and factors impacting their personal entrepreneurial pursuits. The major area examined was Social/Political Factors. Respondents were also asked to provide pertinent demographic data and to identify training areas that could help elevate their firms. Fifty-three (53) surveys were completed and returned (a 10.6 percent response rate). Only 45 of the responses were usable. The findings are presented in Exhibits A and B.

RESEARCH ANALYSIS AND RESULTS

Demographics

All of the respondents were African American women business owners. The majority of the owners, 38 percent, were in the age group of 41-50. The majority of the owners were married (46 percent) and 39 percent were divorced. Seventy-three (73) percent of the respondents had children. Fifty-two (52) percent of the respondents were either the first child or only child in their family. Twenty-three (23) percent earned a yearly net profit of $10,000 or less. Twenty-five (25) percent of the respondents had graduate education with the most popular graduate degree being the MBA, and one (1) owner had a Ph.D. Two (2) owners had a professional degree. Forty-four (44) percent had a college degree, with the majority having a degree in business. Twenty-five (25) percent of the owners had some college training, and two (2) had only a high school diploma. Ninety-three (93) percent of the respondents viewed themselves as successful. Sixty-nine (69) percent did not have prior entrepreneurial experience, and 37 percent had 6-10 years prior corporate business experience. The business nature of the firms responding ranged from retail and service to manufacturing and construction.

Social/Political Factors

Exhibit A shows respondents' opinions regarding the impact of social/political factors on their businesses. The highest ranked social/political factor was the Inability to Break the Old Boy Network. Twenty-one (21) of the respondents, or 46.7 percent, indicated that this factor was extremely important in impacting their entrepreneurial pursuits. Seventeen (17), or 37.8 percent, of the respondents ranked Inequities Due to Race and Inability to Obtain Major Corporate Accounts as the second highest ranked factors. Other important factors included Inability to Obtain Government Contracts. The least important factor was Inability to Obtain a Good Affordable Location. Only five (5), or 11.1 percent, of the respondents indicated this factor as impacting their entrepreneurial pursuits.

Training Interests

The survey instrument contained a list of training areas. Respondents were asked to select those areas in which they would benefit from training assistance. Exhibit B shows the responses. The highest demand for training was in the area of Business via the Internet. The survey showed that 44.4 percent of the respondents perceived a need for training in this area. This finding was highly anticipated since business opportunities on the Web have become so lucrative. The lowest demand was for training in the area of Diversity. Only 2.2 percent of the respondents desired training in this area.

CONCLUSIONS

The purpose of this research was to study African American women's perceptions of selected social and political factors impacting their entrepreneurial pursuits. Responses regarding training interests were also solicited. A survey instrument was designed and mailed to all women listed in the *National Minority and Women In Business Directory*.

Respondents reported that the major social and political factors impacting their entrepreneurial pursuits pertain to Breaking the Old Boy Network, Inability to Obtain Major Corporate Accounts, Inequities Due to Race, and the Inability to Obtain Government Contracts. The greatest need for training was in the area of Business via the Internet. The least desired training was in the area of diversity.

An understanding of the perceptions of the needs and concerns of this fast growing sector of America's entrepreneurial economy, as presented in this paper, is critical in the development and implementation of sensitized and appropriate public policy.

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EXHIBIT A
SOCIAL/POLITICAL FACTORS

Response Factor	Rank	%
Inability to Break the "Old Boy" Network	1	46.7
Inability to Obtain Major Corporate Accounts	2	37.8
Inequities Due to Race	2	37.8
Inability to Obtain Government Contracts	3	33.3
Administrative Red Tape	4	24.4
Inequities Due to Sex	5	22.2
Local and Federal Tax Legislation	6	17.8
Inability to Obtain a "Good" Affordable Location	7	11.1

EXHIBIT B
TRAINING INTERESTS

Response Factor	Rank	%
Business Via the Internet	1	44.4
Growth and Expansion	2	42.2
Global Opportunities	3	40.0
Marketing Strategies	4	35.6
Corporate Procurement	5	31.1
Sources of Financing	6	28.9
Employee Motivation	7	26.7
Management	7	26.7
Cash Flow Management	8	24.4
Government Procurement	8	24.4
Efficient, Effective Operation	9	22.2
Computers	9	22.2
Personnel	10	15.6
Customer Service	10	15.6
Written Communication Skill	11	13.3
Accounting	11	13.3
Record Keeping	11	13.3
Taxes	11	13.3
Diversity	12	11.1

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BANKING ON SOCIAL CAPITAL: WHAT WE HAVE TO LEARN FROM GRAMEEN BANK WOMEN

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ABSTRACT

Across rural Bangladesh, nongovernmental organizations are offering poor women economic opportunities. Membership in a microcredit institution, such as the Grameen Bank (GB) of Bangladesh, offers women access to financial capital. The impact of this financial capital on member's economic development has been widely researched. Equally important, but less explored, is the impact institutional affiliation has on members' social development. In this paper I will show how meeting at GB's village-level loan repayment building, "the center," enables women to build social capital beyond their isolated kinship groups. I have found that GB membership promotes the formation of social capital. More specifically, membership enables women to establish individual identity, build group identity, and form new and strengthened networks.

INTRODUCTION

GB's weekly loan repayment meetings provide rural women with a formal, sanctioned gathering space. In this space, GB's membership norms help women establish an individual identity apart from that identity constrained by their traditional roles within the Bangladeshi family. GB's institutional standards further facilitate women's identification with an extra-familial group. Moreover, these norms — or "rules of the game" (North, 1990) — promote the formation of networks between women who, prior to membership, rarely interacted outside their patrilocal-patrilineal kinship groups. Informed by social capital theories (Coleman, 1988; Hirschmann, 1984; Putnam, 1995) and village-level observations, I have found that women's discourse and interaction at center meetings enable social capital formation, realized most apparently in this setting as individual and group identity and new and strengthened networks. This social capital nurtures women's empowerment in ways not measurable in simple economic terms. This paper suggests that center meetings facilitate social capital formation among members and identifies components of this social capital.

BACKGROUND

Grameen Bank

The GB provides landless[2] villagers with small loans[3] collateralized by group accountability rather than tangible assets. To qualify for membership, individuals must form or join a five-member group, learn to sign their names, and memorize GB's social development constitution (Hossain, 1993) known as the Sixteen Decisions.[4] Eight five-member groups comprise the center. Each week the 40 center members gather at the center building. During these meetings, members sign an attendance book while each group's elected chairperson pays loan installments to the GB worker on behalf of her five-member group. While witnessing this ritual, members have the opportunity to discuss social and economic issues relevant to their community. Over time, GB has primarily sought to lend to women because they are the least empowered among Bangladesh's rural poor (Khandker, Khalily, and Khan, 1996). As of November 1997, women comprised 98 percent of GB borrowers.

Women's Networks

In rural Bangladesh Islamic *purdah*[5] norms dictate women are to be secluded in their *baris*[6] and fully covered when travelling outside their villages.[7] These norms prohibit women from gathering in "public" — or male — spaces. But their absence from public spaces does not mean women are invisible (Kabeer, 1994; White, 1992). Instead, women have their own "informal associations" (March and Taqqu, 1982) formed when washing clothes, processing rice, or caring for children. But, unlike men, women rarely have the opportunity to convene in common spaces outside their *baris*. This limits their extra-familial social ties. In contrast regular GB loan repayment meetings provide each member the chance to regularly gather with a diverse group of women. At the center members can build new networks with women to whom they are not related and/or strengthen existing ties. I have observed that women's networks are a fundamental, but under utilized, component of a community's social capital and that the stock of social capital is augmented when women are free to build networks through independent organization.

Social Capital

According to Robert Putnam, "social capital" may be described as "features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit" (Putnam, 1995, p.67). A community endowed with social capital is one that enjoys networks of organized reciprocity where all citizens gradually reap the benefits of social ties (Coleman, 1988; Putnam, 1995). Gathering publicly is one activity that allows individuals to establish and strengthen their sense of community and broaden social and economic networks (Hirschmann, 1984, Putnam, 1993). Civic participation has been credited with mobilizing social capital because it enables participants to establish identity and build networks. According to Putnam (1993, p. 37), social ties established through civic participation "facilitate gossip and other valuable ways of cultivating reputation." Such interaction encourages social capital formation because it enables people to transition from the "'I' to the 'we,'" while enhancing "participants' 'taste' for collective benefits" (Putnam, 1995, p. 67). I chose to observe how a group of forty women's first formal institutional affiliation, at one GB center, affected their social development. There I have observed how members built social capital in the forms of individual and group identity and new and strengthened networks.

METHODOLOGY

In order to explore whether GB membership promotes the formation of social capital, I focused my research at one GB center (Center A) established in 1990. I employed network analyses (Scott, 1991), structured survey questionnaires, in-depth interviews, and participant observation. I selected an additional center (Center B) in order to provide a larger respondent pool for network analyses and survey questionnaire data. Center B is located within the same GB jurisdiction as Center A and, like A, was established in 1990. Of a possible 40 respondents, 39 Center A members and 33 Center B members responded to the survey. A Bangladeshi researcher who had previously worked in the area under study, introduced me to villagers and assisted with translation. During my nine-month investigation, Center A members had a 100 percent loan repayment rate and a 95 percent meeting attendance rate. Center A members had an average membership tenure of seven years. Center B members had a 95 percent loan repayment rate and an 80 percent weekly attendance rate. While Center B members had an average membership tenure of five years.

RESPONDENT PROFILE

Eight of the 40 Center A members are "daughters of the village."[8] They were raised in the village and then remained there after marrying a man from the village. The other thirty-two Center A members were "village wives"[9] who moved an average of five miles from their father's homes to live in their husband's village. Seven of 40 Center A members were Hindu and 33 were Muslim. Thirty-three Center A members were married and lived with their husbands. Seven Center A members were widows. All of the GB members in Center B were married and Muslim. A majority (54 percent) of all respondents from Centers A and B, were between 25 and 40 years of age. Seventy-four percent of the respondents in Center A, and 73 percent of those in Center B, reported no formal education. Eighteen percent of the respondent pool reported completion of some primary education. Membership in the GB represented the first formal institutional affiliation for all the women.

FINDINGS

I have observed that weekly loan repayment meetings have enabled members of one GB center to build social capital in the forms of individual and group identity and new and strengthened networks. Each of these components is an asset as fundamental to community building, and women's social and economic empowerment, as financial capital because each enables members to become invested in their communities.

Identity

In rural Bangladesh women do not have the opportunity to gather formally and are referred to in terms of their roles in the family unit: daughter, wife, or mother. In contrast, GB members weekly convene at a center building where the GB worker addresses each woman by her first name. This communication is particularly powerful in a culture where a woman's first name is dropped or often forgotten after marriage. The weekly ritual serves the dual purpose of establishing individual identity, reputation, and group awareness.

Individual Identity

Network analyses were used to establish whether center meeting norms enabled members to form individual identities distinct from their traditional labels. Network analyses revealed that, before membership, each member knew an average of eleven of the other members' first names. By comparison, each woman knew an average of thirty-two of the other members' first names at the time of analyses. All of the respondents reported they liked being called by their first name at the center meetings. When asked why they liked hearing their first names, 33 percent responded that hearing their names spoken was beautiful. This sentiment was echoed by Nurjahan[10] who explained that she likes being called by her first name at the center because, "GB people were the first to call me by name since I left my father's *bari* 40 years ago." Twenty-six percent reported that hearing their first name spoken was significant because it indicated the educated GB worker was showing respect. Sixteen percent liked the individual recognition because, they said, their first name is their identity and hearing it is preferable to hearing a traditional kinship term. Paru explained she enjoys hearing her first name, "especially because it is spoken in a crowd, it is good to have lots of people know my own name." Fuljhan explained that, before GB came to this village, "no one knew the names of poor women. Now they do." With this personal recognition members were able to establish identities beyond their kinship units as they also began to build individual reputations which succeeded into a collective identity.

Identifying With the Group

Although women become GB members for economic reasons, respondents' feelings about meeting at the center suggest benefits beyond economics. Such benefits include the opportunity to establish relationships external to their limited family networks. For example, Amena admitted she would not want her daughter to be a GB member because "GB membership means we are poor," but she was proud to say that because she was a member, "these women are now my own people." When members were asked how they feel when sitting among villagers of different clans, castes, and social status, 78 percent of all respondents reported feeling good because, at the center, everyone is equal and sits with one mind. Sixteen percent of the members reported they enjoy gathering with the diverse group of women at the center because they feel that they are all human beings and understand each other when they can sit together. Farida explained she feels good meeting at the center because while there she "forgets who is higher and who is lower status."

In order to further investigate respondents' perceptions of membership benefits, they were asked how they would feel if a male family member decided they could no longer be GB members. Thirty-two percent of all respondents said they would feel bad because they enjoy the regular opportunity to meet with other women at the center. Kona explained that she would have to comply with her husband's demand, but that she would continue to visit the members who had become her friends. Her response suggests extra-center networks have already formed. Thirteen percent of the women would not feel good if they did not attend center meetings because they would not have the opportunity to listen to anyone outside their *bari*. Mala explained she would feel bad if she could not go to the center because she "would not see 'ten people,' would not listen to 'ten words' from others and would not have a chance to tell [her] 'ten words' [to others]."[11]

While all individuals may not necessarily welcome the opportunity to interact at the center, because of disputes unrelated to membership, regular group interaction is especially important because it has the potential to mend social divisions. Well known in Center A's village is the story of Bandanna Rani, a low-caste Hindu woman, who scandalously (given that most marriages are arranged) married Shanti Lota's high caste son out of love. Although both women are GB members, Shanti Lota refuses to speak to or acknowledge Bandanna Rani due to Bandanna's perceived breach of religious marriage practice. Both women, however, must sit on adjacent benches each week at the center. During the meetings other members encourage their interaction by teasing or including them in the groups' conversations. Without GB membership, the social pressure for their interaction would be reduced by religious differences throughout the caste segregated Hindu neighborhood, rather than intensified at center meetings. Given this schism between the women, it was interesting to note that the "biggest change" Shanti Lota had seen in herself since becoming a member was that she had traveled outside the Hindu neighborhood to visit a Muslim center member. Shanti Lota did not visit Muslim villagers in her 36 years before becoming a GB member.

Similarly, an influential male leader in Center A's village remembered that before Center A was established women in his *bari* frequently quarreled. He explained, "suppose a person was drying her unhusked rice in the sun but another woman's chicken started to eat the rice. This would start an argument and sometimes the men would get involved." "Now," he observed, "there are fewer quarrels because the women know they will have to meet once a week at the center." The village leader concluded that the women would prefer to keep their quarrels to a minimum rather than lose face among the group at the center meetings. Regularly meeting at the center among a diverse group of women provides each member an opportunity to see herself as an individual and an integral part of the larger community. With this exposure each member can begin to build relationships beyond her *bari*.

New and Strengthened Networks

A center meeting is convened for GB members to pay their debts. The formality suggests it is primarily a business meeting — money is exchanged and documents are signed. But while the GB worker documents each member's payment, the women use this "empty" time during the approximately 90 minute meetings to "share their hearts." Eighty-three percent of all respondents said that when waiting to pay their loans they use the time to talk with other members. The remaining 17 percent use the time to listen to conversations between other members. Each conversation, often between women from different *baris*, is a tool in establishing and building networks. Whether conducting or listening to conversations — such as possible matches for marriage-eligible children — the women enhance their place in the community's information network because such conversation was previously reserved for men in the tea-stalls, mosques, and marketplace. According to Rokeya Begum, the information contained in conversations at the center is "the subject of our joy."

Before membership, the extent of each woman's networks often depended upon whether she was a daughter of the village or a village wife. Regardless of her situation, interaction at the meetings has enabled each woman to develop networks beyond her existing relationships. Rokeya Begum, for example, was raised in Center A's village and remained there after marriage. She organized the first GB lending circle and is perhaps the most empowered woman in the center. Before membership, she explained, she did not interact with the majority of the other women from the center because she did not know them. "Now," she explained, "membership has made me more popular because more people know me." In contrast, Paru was a village wife who moved from her father's village to her husband's village two years before joining GB. During those two years she did not know anyone in the village outside her husband's *bari*. She explained that center meetings provided an opportunity to establish her own ties because she could regularly meet with women from different areas of the village. Soburon was also a village wife. However, she lived more than 20 years in the village before her husband's death made her especially dependent on her networks. GB loans allowed her to purchase a cow whose milk she sold for profit. At the center meetings, Soburon repaid her loan and secured promises from members to save their nutrient rich rice water — the water that remains in the pot after rice is boiled — for her cow. She explained that her "rice water network" is larger than it would have been without her GB membership because she has made ties with women outside her isolated kinship network. The opportunity to establish and strengthen networks at the center is bringing each member, and the center as a whole, tangible social benefits. With these benefits each woman can begin to interact beyond the center.

Interaction Outside Meetings

Before GB membership most of the women in Center A's village knew only one village road — the road to their natal village. With few exceptions, the women were secluded within their *baris* where they generally interacted with their husband's family members. Eighty-two percent of the respondents acknowledged they did not visit or interact with women from the center before membership. Fifty-three percent did not interact with others from the center because they did not know them. In contrast, 68 percent of respondents said they became close friends with as many as three, and as few as one, other GB member(s) since becoming members themselves. Rima remembers that before membership she was afraid to go out of her *bari*. "But now," she explains, "I am not afraid to go out. The other women are familiar to me. I am familiar to them so they will not wonder why I am in their *bari*. Before I joined GB I did not know them so it would not have been natural for me to visit them." Twenty-four percent of all respondents reported they did not visit each other because "village wives are not allowed to leave the *bari*." But for Khaleda, GB membership has eased the mobility restrictions imposed on village wives. "Before GB membership," she explained, "people in my family would ask where I was going if I wanted to leave the *bari*. Now they don't ask. They know I have places to go and are only curious to know where I have been after I return."

The women's newly formed ties have made it possible for them to travel across the village and visit each other outside of center meetings. Before membership, 43 percent of all respondents never visited other women from the center — or visited members they knew only once a month. After becoming members, 75 percent of the respondents from both centers reported visiting other members from their center once a week or daily. Rokeya Begum remembered that, before becoming a GB member, she did not visit many of the other women from Center A because she did not know them and "no one goes to another person's *bari* without a purpose." "Now we are members and that gives us a reason to visit other members," she added. The women's interaction outside center meetings often begins for business purposes — discussing alternative economic opportunities or helping with loan repayment. Seventy-four percent of all respondents reported helping other members make up the difference on GB loan installments before center meetings. These initial economic transactions often develop into personal relationships. Hasina explained that, since joining Center A, she goes to many different areas to collect loans she has given. "I never did this or had this exposure before GB," she said. "Now if someone asks me to sit down and talk with them in their *bari* I can and I do."

The newly formed economic ties have also provided an avenue for exchange of scarce resources. For example, Rashida can now borrow a sari or gold jewelry from another member to wear to her relatives' *bari*. Before membership, such exchanges were not practiced between unrelated women, according to Rokeya Begum, because "our ties were confined to a small group of people but now it is different. We have more trust so we can borrow and lend such things [among members]." The opportunity for exchange between members seems to especially benefit village wives who, before membership, often had to rely on ties in their natal village during difficult times. Anjura remembered that "it was not unlikely for our husbands to send us back to our father's house for a loan or some help when [our family] had economic or social problems." Now, according to Anjura, this practice has largely stopped because GB women have their own money and their own networks that enable them to borrow or seek assistance from villagers in the community where they live. In other words, Center A members are gradually becoming invested in the village where they are likely to spend the rest of their lives.

CONCLUSION

A rural Bangladeshi woman's identity and relationships are often decided by patriarchal kinship ties and *purdah* norms, which limit her involvement in community life. However, Center A members have begun to change this reality in their village. They are doing so by using GB center meetings to gradually build and strengthen social ties that reach beyond their isolated familial networks. This process is initiated by GB rituals at the center building that include the GB worker addressing each woman by her first name. With the confidence that flows from this personal recognition — in front of 39 women from all parts of the village — each woman transitions from someone's daughter, wife, or mother into an individual. Empowered with the awareness of her identity each member can then begin to build a collective identity with an extra-familial group. While participating in the obligatory meetings, members also have the opportunity to build new networks or strengthen existing relationships in a socially sanctioned gathering place. Such opportunities were previously reserved for male villagers in spaces such as the tea-stalls or marketplace. GB members' experiences demonstrate that meeting at the center is as fundamental to community building, and women's social and economic empowerment, as receiving the microcredit loans.

ENDNOTES

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[2] Landless is defined as owning less then .5 acres of cultivatable land and/or owning assets with a cumulative value less than the value of one acre of medium quality land.

[3] As of November 1997, the average loan size was US$100 repaid over 52 consecutive weeks. At that time there were 2.2 million loan recipients and a total of US$2.1 billion in loans disbursed (*Grameen Dialogue*, January 1998).

[4] The Sixteen Decisions include pledges for mem-

bers to develop their families through education, planting vegetables, installing sanitary latrines, and avoidance of giving or receiving dowry.

[5] According to Therese Blanchet (1984, p. 119), "*purdah* is an Islamic norm which secludes women because of the moral danger promiscuity represents in a society of men."

[6] A *bari* or homestead is a cluster of sleeping houses (approximately 200 sq. ft.) and cooking huts (approximately 20 sq. ft.), inhabited by kinship members, and built around a central courtyard.

[7] *Purdah* is customarily observed by a woman covering her head and face with the end of her *sari* or wearing a *burqa* (a veiled garment that covers the body from head to toe).

[8] Daughters of the village (*gramer meye*), in Center A's village, are comparatively freer than village wives to move throughout the village because they "belong to" the village.

[9] The mobility of village wives (*bou*) throughout Center A's village is especially restricted because they do not "belong to" the village and therefore must maintain *purdah* restrictions that are more strict than those for daughters of the village."

[10] All personal names used in these accounts are pseudonyms.

[11] In this context the number ten is used colloquially to mean "more than a few."

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REFORMING PUBLIC POLICIES FOR GENDER EQUALITY

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ABSTRACT

This paper will propose that progress towards gender equality does not only require specific measures but also structured processes that embody a comprehensive analysis that takes into account social and economic differences between women and men at every stage of policy development. This ensures that potential differential impacts are discovered and policy goals and measures can be modified before implementation. This approach, known as Gender-Based Analysis, offers decision-makers an accountable process that helps to clarify options and outcomes and promotes more equitable results for both genders.

INTRODUCTION

Men's and women's relative social and economic status has changed dramatically over the past fifty years, with great strides being made in Canada by women in the employment, education, and political fields to name a few. Despite these gains, inequalities between men and women persist. As society removed some of the most absurd and gross forms of inequality, (no vote, not letting married women have access to paid work), the more subtle yet highly prevalent forms of discrimination have persisted because they are far more difficult to address. Women remain concentrated in low paying, part-time and contingent employment, carry the greatest burden of unpaid work, and are more likely to live in poverty than men. Decades of research and social activism have led feminist scholars and policy advocates to determine that the root problem lies in the lack of appreciation of the different patterns of women's and men's involvement in economic, social and legal structures. These patterns are further affected by race, ethnicity and disability.

These differing socio-economic realities go unnoticed in most government policymaking processes. Gender neutrality or gender blindness, which remains the current practice, assumes that policies achieve a desirable outcome if men and women are always treated exactly alike, in accordance with a notion of formal equality. However, public policy cannot be separated from its social and economic context. Gender neutrality assumed in all cases can perpetuate gender inequality because of structural barriers that remain hidden from view under the guise of "sameness". For example, many young women and girls still do not pursue science and math courses, nor are they entering trades or technology positions in great numbers, especially in the information technology field. Without an explicit acknowledgment of these realities, "youth" programming will remain gender blind and fall short more young men and women into higher paying, more secure employment.

Gender neutrality or blindness does not change the underlying male norm pervading most of society's formal and informal power structures. "The life plan promised by gender neutrality is that of an autonomous, unencumbered individual. The more a woman differs from this model, the more likely she is to be disadvantaged by gender neutrality."[1] The women who have most benefited from gender-neutral laws are those who have modeled their life on that of a middle-class, white, heterosexual man.[2] Occupational segregation stems from the assumptions that all workers can adapt to male work patterns. Several government sponsored initiatives such as training programs, relocation policies, or economic restructuring endeavors are rife with male norms. Many corporate structures and leadership and executive positions still reflect the Weber model of male hierarchy and power relationships.

SUBSTANTIVE EQUALITY

In Canada, since 1985, the Canadian *Charter of Rights and Freedoms* has given legal force to the concept of substantive equality by recognizing that treating women and men identically will not ensure equal outcomes because women and men occupy different social levels and experience different living conditions. The *Charter* promotes the notion of gender equality as equality of results or outcomes. Known in legal and policy circles as substantive equality, it is a concept that is more concerned with arriving at equal conditions rather than being preoccupied with giving identical treatment.

However, difficulties have arisen not so much with the understanding of substantive equality as with its application to specific government policy decisions. Public policy continues to be criticized for not reflecting women's realities and experiences. This has not been because of any deliberate strategy on the part of government. In fact, since 1975, governments around the world have made formal commitments to addressing gender equality. However, the corresponding rate of success in advancing women's equality has not necessarily matched the rate of production of myriad reports, plans or even instruments drafted internationally and domestically. While targeted measures have been implemented to narrow the gender gap or to "level the playing field", especially where women have demonstrated particular needs such as in education, health care, maternity leave rights, and violence, there remains the persistent problem of institutional discrimination. The dilemma seems to reside in how government institutions have not changed their modes of operation in policy development or program and service delivery in order to address the systemic nature of discrimination against women. In the spirit of equal treatment or non-discrimination, significant social and economic factors pertaining to women's realities and experiences compared to those of men have often been missed or rendered "invisible" throughout the policymaking process. Equating equal treatment with equality masks policy and system failures and transfers blame to the losers, while winners are convinced that the environment is fair and that success is purely due to individual effort.[3] If the consideration of gender differences, of the nature of relations between men and women and of their socio-economic circumstances is not taken into account from the earliest working stages of policymaking, substantive equality will remain an elusive goal.

GENDER AND THE POLICY DEVELOPMENT PROCESS

Policymaking and policy development in the Canadian political context is built upon a set of complicated processes and contradictions, which have often ignored gender considerations. As stated by Weinar and Vining in *Policy Analysis: Concepts and Practice* (1992), "uniform policies that usually accomplish their goals (...) nevertheless fail badly with respect to specific localities, communities, categories of people, or firms."[4] Notions of problem definition, acceptability, seriousness of a problem, the degree of controversy surrounding an issue, its "significance within the societal context"[5], and affordability also play a significant role in the enactment of program or legislative solutions. Rochefort and Cobb (1993) speak of how political willingness to make commitments is also conditioned by societal perceptions of the people who are going to benefit.[6] Because public perception of women's roles and contributions in society has historically been from a traditional perspective, public policy has responded by either reinforcing women's subordinate status or not valuing women's true experiences and realities. In addition, if a policy or legislation is to involve radical change to gender roles rather than incremental change, it is less likely to be enacted.

Allan Howatson, in *Reforming Public*

Policies for Sustainability (1994), adds that decision making involves four points that are often forgotten:

First, behind every decision is a set of assumptions either implicit, explicit or a combination of both. Second, all decisions involve priority setting; where priorities are not explicit, they may be inferred by examining the expenditure of key resources such as time and money. Third, every decision involves explicit or implicit valuation: Will the expected benefits from this action justify the costs incurred? And fourth, the choice for the status quo, sometimes perceived as no decision, is in fact a decision to make no changes to the current course.[7]

Upon examining public opinion data, F.Cook (1979) concludes, "all things being equal, people we like and find attractive and pleasant seem to get more help".[8]

In Canada, the political trends in support of substantive priorities have shown a tendency to oscillate between the left and the right, and between periods of fiscal restraint and bursts of political spending. Despite this movement, certain issues have persistently stayed at the top of the list of priorities such as inflation and national unity while others have moved off the list and on to the margins such as immigration and women's issues.[9]

In addition, since the late 1980s, a striking tendency in Canada has been the continued erosion of the old notion of compassion as a cornerstone value of Canadian social policy. Certain groups of women such as single parents, social assistance recipients or women living in poverty have benefited in the past from society's benevolence through public subsidies. However, compassion has come to be seen as more of a hindrance than an ideal and people now speak of the need to emphasize self-reliance and independence as counterparts to such other values as fairness, equality of access, and social justice[10].

Given these intangible yet influential variables involved in policymaking, Howatson argues that structured processes are required to provide rigor to policy analysis and development and to help clarify political choices.

For Howatson, such processes should provide answers to the following questions:

- Are the priorities that guide the formation of public policies conscious and considered? Are they explicit?
- Has sufficient thought and debate, from affected and responsible quarters, gone into the establishment of priorities?
- Have alternative options for achieving established goals, and the impacts of those options, been considered before pursuing a course of action?[11]

Although writing about sustainable development, Howatson's analysis is certainly transferable to the achievement of substantive equality goals. While treating women the same as men has provided significant improvements in the lives of many women, it is not "the sufficient condition for fairness".[12] Policies which have ignored "the differential impacts on women may be called policies of indifference".[13] The current practice of policy analysis, in terms of assumptions, process and tools, needs to be transformed to better reflect the fact that women, for example, are victims of different types of crimes. Men and women fit differently into the economy and respond differently to incentives and disincentives because of varying family life cycles. Corporate taxation affects men and women differently because women are still in a greater majority employed in low-paying jobs concentrated in the service industry, thus benefiting less from tax credits.[14 15 16 17]

Differences do not necessarily denote superiority and inferiority. It is recognition of the diversity of people in terms of needs, aspirations, talents, and interests. What constitutes the good life for one person may not do so for another.[18]

GENDER-BASED ANALYSIS

In such a complex policymaking environment, it has been recognized in Canada that in order to achieve substantive gender equality, ways must be found to influence the processes of policy making in addition to focusing on specific equality seeking measures.

In 1995, the Government of Canada adopted a five-year action plan to advance women's equality in Canada. A key component is the Gender-Based Analysis (GBA) policy, which requires that all legislation and policies include, where appropriate, an analysis of the potential for different impacts on women and men. GBA is intended to be part of the development of public policy not an add-on. Gender-based analysis does not exclude other forms of analysis; it ensures that gender factors are part of the process.

A gender-based approach to policy development and program planning requires gathering both qualitative and quantitative data, questioning basic assumptions, and developing an understanding of how social and economic factors affecting women and men may have an impact on the policy outcomes. To ensure that research methods do not use a gender bias, GBA practitioners are encouraged to question definitions used and examine the underlying knowledge tenets, assumptions and practices of their respective disciplines.

Gender-based analysis is not employment equity but the reason behind it. It is not political correctness but the recognition that women's and men's societal situations are different. It is not gender neutrality; gender-based analysis implies that gender is made visible. The long-term objective is that the gender perspective shall be an automatic reflex and an influence in all government decisions where appropriate.

The key to gender-based analysis is to ask the "right" questions. For example:

- The gender neutrality of employment policies of the past has led to occupational segregation with inherent male biased assumptions about the definition of work and stereotypes pertaining to workload capacity, leading to incorrect conclusions about the safety of women's work.
- Knowing about the different educational patterns between women and men can have implications for student loan, education leave, and youth policies.

By asking the right questions, more valid data are obtained, a more accurate picture is captured of the situation of women compared to that of men, and potential differential impacts that policies, programs and services may have on women and men, are detected early on.

Gender-based analysis is intended to inform the policy making process, and to help make explicit assumptions that may have been implicit. The objective is the clarification of alternatives for effective action.[19] This is most relevant in the current fiscal restraint context, which has forced the need for policy makers to set priorities thus creating competing interests among significant social and economic issues. In an era where the list of critical issues is growing rather than diminishing, scarce resources are being devoted increasingly to the highest priorities. Through GBA, policymakers are offered an on-going accountability process by helping to determine if allocated investments are reaching the intended population efficiently and effectively.

Because gender differences affect all aspects of life, gender-based analysis can also help in identifying actions in areas which can appear on the surface as gender neutral such as tax, employment, training, and economic development policies. Gender-based analysis can help in minimizing gender differences not only in the articulation of the problem but in the conception, implementation, and outcomes of the policy. It also helps in uncovering the complex interactions among existing inequalities which no one program can overcome.[20]

APPLICATIONS

Different Canadian government departments and provinces are now experimenting with a mix of approaches as part of their commitment to implement gender-based analysis in order to address gender equality. One approach known as mainstreaming gender incorporates gender differences into overall planning processes and activities of a policy, program or service. The goals, objectives and delivery mechanisms are predicated on both women's and men's differential life experiences and realities. The end results are aimed at meeting both women's and men's needs and participation. Women are seen as clients and beneficiaries with different needs in all policy and programming activities.

A variation of the approach is to make women the main target population. In these instances, the goals, objectives and delivery mechanisms are predicated exclusively on the priorities and situations of the women in question. The end results can include:

- Resource allocations within a project or program specifically directed towards women such as in innovative lending or banking policies, or special needs educational programs.
- Measures specifically targeted to women to narrow the gender gap or where women have particular concerns such as in health matters or vis-à-vis violence.[21]

Human Resources Development Canada (HRDC) has used both approaches at different periods. Examples of national program and policy initiatives touching the lives of Canadian women include:

- an employment equity program for federally regulated employers;
- a contractors program which requires companies that employ 100 workers or more, and which obtain goods and services contracts valued at $200,000 or more, to implement an employment equity plan;
- sexual harassment provisions in the *Canada Labour Code*;
- maternity benefits as part of Canada's employment insurance scheme;
- credit splitting and survivor benefits as part of the *Canada Pension Plan*;
- the establishment of a National Child Benefit aimed at low-income families, a high percentage of which are lone mothers; and
- special opportunity grants provided to women pursuing doctoral studies in the fields of applied and physical sciences.

Efforts are currently being made to mainstream the practice of GBA by HRDC officials to ensure that the perspectives and needs of all our clients, both women and men, are always taken into consideration. To assist with this task, HRDC has customized a guide first produced by Status of Women Canada, which outlines six steps to assist in assessing gender implications.

These steps are intended to enhance:

- the ability to define a policy issue and its outcomes;
- the gathering of information;
- the development and communication of measures and initiatives; and
- the evaluation of the analysis.

Suggested questions are provided for the user but he or she is encouraged to develop their own questions that work for them. There is no form to fill or report to write.

CHALLENGES

Several challenges remain in order to successfully reform public policies from a gender-based analysis perspective.

Data and analytical methods are not sufficiently developed and integrated into the overall processes at the present time to provide accurate information on either women or men. Long established data banks or data collection procedures do not permit the questioning of basic assumptions. Finding answers to those "right" questions becomes more of a promotional or communication exercise.

In today's pluralistic society, all levels of government, business groups, non-governmental organizations, trade unions, and other policy networks, all attempt to influence the outcome of government policy formulation. It is increasingly recognized and advocated that the task of shaping sound, efficient, cost-effective and comprehensive policy is greatly improved with the creation of coalitions, or mechanisms involving governmental officials and members of such various groups, including clients or beneficiaries of which women make up a great number. However, several public institutions currently lack the organizational capacity to adapt to and engage in these collaborative processes in an open and transparent fashion.

Public policy officials lack the conceptual tools to deal with substantive gender equality. They require new strategies to assist them "in stepping out of patterned and myopic thinking."[22]

A debate is taking place in Canadian feminist circles as to whether gender-based analysis should be used solely as:

a) a deliberate course of action carefully calculated to achieve a desired goal; or
b) a means to an end, a policy process meant to help shape the outcome, as outlined in this paper.

Scenario "a" aims at redressing gender imbalances. Such an approach can provide a quick remedy when markets have failed to provide basic needs, or by modifying legal and regulatory frameworks to confer individual rights or to ensure basic equal opportunities for women. The down side comes from the differing sets of values, beliefs, premises, and ideologies held by inside and outside government actors, as well as the potential lack of consensus on a shared "vision" of the issue/ problem or solution. Such problems may constitute important barriers to arriving at a specific gender equality policy outcome. Other competing factors already mentioned earlier may also come into play in the final decision for a targeted measure such as fiscal policies, political contingencies, realignment of government roles, etc. thus forcing policy makers to pursue an incremental change strategy. Further impediments can occur once a policy is established. Its implementation can be equally enhanced or distorted and retrenched through lack of direction, leadership, or monitoring/evaluation. Finally, such a course of action does not ensure the systematic integration of gender factors in policy initiatives that may appear gender neutral on the surface as already mentioned.

Scenario " b" enables the consideration of significant social and economic factors, which would otherwise be missed, through a comprehensive approach grounded in research, data, and public debate. The logical next step should be that any estimated negative impacts for women compared to men, would lead to the modification of considered measures, or the development of entirely new ones before political commitments are confirmed.[23] The down side may be the misperception of a lowering of standards or the contamination of an objective process thus creating resistance to the practice. Others may judge the process as ineffective, and criticize it for being merely a "add-women-and-stir approach"[24] to mainstream policy analysis.

The ideal situation is a scenario "c", a mix of both approaches. Gender-based analysis is best defined as a time sequential process. Currently, in Canada, there are certain steps that are being undertaken while other steps will require more time to refine or accomplish for reasons stated above.

Gender differences affect all aspects of life. For women to lead more equal lives, men must also change. However, because of the privileged status in society, men have not felt the same motivation as women to change their ways of living in order to promote equality. They may also feel threatened as equality develops: they may perceive a loss of power, an increase in competition for jobs and positions, a change in their male role by being expected to take on more responsibility for unpaid work. Yet men's involvement is not only crucial for gender equality to accelerate but could be beneficial for them. One can only imagine a more equal society to be more peaceful and environmentally friendly. As a more committed part of the family, men may discover an enriched quality of life. "Shedding the constraints and deficits of their own male condition" may be the greatest motive to join women's struggle for equality.[25]

CONCLUSION

It has been argued that public policies should be viewed as an expression of the public's notion of the kind of society it wants, of the things it perceives as right and wrong, and what values the government should nurture and protect. It is hoped that, as we continue to make efforts in further mainstreaming the practice of gender-based analysis in public policy development, the world awaiting us in the 21st century will be better tailored to the reality and needs of both women and men.

ENDNOTES

1 M. Margaret Conway, David W. Ahern, and Gertrude Sturernagel. *Women and Public Policy: A Revolution in Progress*, p.196

2 Catherine MacKinnon refered to in ibid., p.196

3 S. Brink, "Steering Between Policies of Difference and Policies of Indifference: Assuring Gender Neutral outcomes in the Residential Environment", p.166

4 D. Weinar and A. Vining, *Policy Analysis: Concepts and Practice*, p. 341

5 D.A. Rochefort and R.W. Cobb, "Problem Definition, Agenda, Access, and Policy Choice" in *Policy Studies Journal*, p.56

6 Ibid. p.66

7 A. Howatson, *Reforming Public Policies for Sustainability*, p.5

8 Ibid. p.41

9 B. G. Doern and R.W.Phidd, *Canadian Public Policy: Ideas, Structure,Process*, p.151

10 Ekos Research, *Public Views of the Social Union*

11 A. Howatson, *Reforming Public Policies for Sustainability*, p.5

15 S. Brink, " Steering between Policies of difference and Policies of Indifference: Assuring gender neytral outcomes in the Residential Environment", p.164

16 Idid. p.164

17 ML. Kendrigan, *Political Equality in a Democratic Society: Women in the United States*, p.225

18 Ibid p.225

19 A. Howatson, *Reforming Public Policies for Sustainability*, p.9

20 ML. Kendrigan, *Political: Equality in a democratic Society: Women in the United States*, pp230-231

21 CIDA, *The "New" Women in Development and Gender Equity in Practice Program*, Module 1, p.1

22 E.A Lindquist, *Public managers and Policy Communities: Learning to Meet New Challenges*, p.18

23 A. Howatson, *Reforming Public Policies for Sustainability*, p.9

24 M. M. Conway, D. W. Ahern, and G. Sturnagel, *Women and Public Policy: A Revolution in Progress*, p.108

25 Council of Europe, International Seminar, *Promoting Equality: A Common Issue for Men and Women*, p.15, 27.

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TREATING WOMEN DIFFERENTLY

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ABSTRACT

This paper discusses the interaction between gender, research and federal policy in the context of the Canadian health sector. It considers how current federal policies are shaping women's health research and conversely how women's health research is/should be shaping federal policy. Issues and challenges surrounding this four-point relationship are identified, particularly in the context of gender and the social and economic determinants of health.

BACKGROUND

Health Canada

In Canada, health is the responsibility of all levels of government, in one way or another. The ten provincial, and the two (soon to be three) territorial, governments are the jurisdictions which carry the main responsibility for the delivery of health care services and health education as well as the regulation of health professionals. Public health services are often a municipal responsibility.

This presentation will confine itself to federal-level jurisdiction, that is, to the federal department of health and its responsibilities in the health sector, which are:

- direct medical, nursing, dental and community health services to approximately half a million Indians on reservations;
- conducting intramural basic and applied social and bio-medical/chemical research;
- funding extramural research in the social and physical sciences;
- surveillance and data collection (cancer, STDs);
- health promotion (tobacco, HIV-AIDS, heart health, cancer, etc.);
- policy development (new reproductive technologies, tobacco advertising, ethics, etc.);
- regulation of medication and medical devices; and
- networking/coordination/information dissemination activities.

Health Canada's Women's Health Bureau

Within Health Canada, the Women's Health Bureau promotes the integration of gender considerations in all eight aspects of the department's work and facilitates the fulfilment of some 45 program and policy commitments that the department has undertaken as part of its women's health agenda. The Bureau was created in 1993, as an expansion of a pre-existing capability. It also funds five centres of excellence to carry out research on women's health, as discussed below in more detail. The Bureau is therefore the point of intersection of research and policy-making for Health Canada.

Definition of "health"

The working definition of women's health is that of the Beijing *Platform for Action*:

> *Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Women's health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as by biology.*

Definitions of "sex" and "gender"

Sex refers to biological distinctions. The health sector has been — of necessity — sensitive to these and has in effect privileged them to the detriment of gender-based distinctions, which are rooted in social, psychological and cultural characteristics and are socially determined on the basis of a power differential between women and men.

HOW FEDERAL POLICY IS INFLUENCING WOMEN'S HEALTH RESEARCH

The nature and scope of health research and of the women's health agenda in Health Canada are influenced by current broad policy orientations of the federal government as a whole. Currently, these federal policies tend to be beneficial to the women's health agenda. They have either caused women's health research to happen, or favoured research that is more sensitive to gender differences. But in some respects, they have served as a detracting influence. This relationship is outlined below:

General Federal Policies

1. The 1995 federal requirement that all new policies and legislation be subjected to a gender analysis to uncover any unintended inequities that might befall men or women as a result of these policies, and with the implied purpose of redressing imbalances which have disadvantaged women historically. Health Canada has extended this policy to existing policies and program activities, such as research and others listed above (health promotion, surveillance, etc.)

Effect on women's health research

As a result of this policy, the integration of gender in departmental research activity has occurred on a number of research fronts:

- a clinical trials policy was adopted in 1996, (similar to that of the FDA but not enshrined in legislation), which requires that all medications to be approved for use in Canada by the federal department must have been tested on women and men, if women and men are to be the eventual users;
- "gender" has begun to be "institutionalized" by being identified as a priority area in departmental funding programs, e.g., the call for papers of the National Health Research Development Program ("all themes must address the requirement for gender-based research"); the Population Health Fund ("projects ... such as initiatives on ... women's health; criteria include the extent to which the project provides for participation by members of the population group for which it is being developed");
- the commissioning of a gender analysis of codes of ethics on research involving humans;
- monitoring of the legislative renewal of the health protection programs, including research activities such as surveillance (data collection), the evaluation of complementary medicine, and post-market surveillance;
- a 1994 study of dollars dedicated to women's health by the Medical Research Council, one of the largest funding bodies.

2. Three current public policy priorities of the government's 1997-2001 mandate are: Each in their own way, these priority areas have implications for women's health research.

(1) health renewal: This is a massive policy undertaking that will affect women as users of the service and as paid and unpaid workers. There are vast gaps of knowledge about the nature, causes and extent of health services utilization as they relate to gender differences, of the way in which women perceive their health and the services they get, on insurance coverage, on the social and economic costs of the women who work in the system, threats to their job security, etc. These knowledge gaps must/can be filled through various research efforts.

(2) children: The health of the girl child, as distinct from boys' health, has been somewhat neglected in that children have tended to be treated as an aggregate, undifferentiated by sex and gender differences. The joint effect of having gender

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and children as public policy priorities will, we hope, encourage the department and others to pay more attention to the girl child. The National Longitudinal Survey on Children and the creation of Centres of Excellence are two research areas that can address this child gender gap.

(3) information technology and the economy: Health is an industry that has been relatively slow in taking up information technology as a tool in a number of areas. Patient data bases, prescription data bases, utilization data, telemedicine, distance education, are all areas in which data about women will be important for quality of care as well as for health economics reasons. A Canadian Health Information System ($50M) is being funded and an Advisory Committee to the Minister of Health has been set up, but the membership of a women's health advocate on this advisory committee has given us a window of spying into the brave new world of health information systems and brought home the realization that this new world needs to learn a lot about women and the importance of data on women, not to mention their participation in the governance of these systems.

3. A federal commitment to effecting policies that are evidence-based.

When one has gender, health and evidence-based policy-making as policy anchors, it raises the odds that women's health research will occupy some place of importance in the policy landscape. Will it, is a $1B question (in Canadian currency...).

Newly-found respect for evidence may well have been one of the factors that helped the government recognize that there were vast gaps in knowledge about women's health, and served to pave the way for the establishment of five centres of excellence on women's health. One would hope that this public policy priority will place a premium on the knowledge that these Centres of Excellence will generate, particularly since their central mandate is to conduct research that supports/enlightens/strengthens policy.

A number of Centres of Excellence for Children's Well-being, and a vast array of other research apparatus are being put in place to support this public policy priority. However, on the less optimistic side, this panoply of "mainstream" research initiatives dwarf our Centres of Excellence for Women's Health Program and the independent research program of SWC which my colleague has described. Together, the latter total approximately $18M over six years whereas these mainstream health activities represent nearly $1B, some of which are permanent budget items, as opposed to time-limited. They include the Aboriginal Health Institute ($XX), the Canada Foundation for Innovation ($800M, some toward health), the Health Services Research Foundation ($65M), the Canada Health Information System ($50M) and the Health Transition Fund ($150M). "Genderizing" these funding programs will require superhuman efforts. This demonstrates how it is important to undertake not only a women-centred research program, but to integrate gender into the better endowed mainstream programs where most of the money and the thrust are located.

With evidence now being the basis for decision-making, those of us interested in gender can use research language and concepts to argue with more legitimacy that gender is a *variable* in research and one that will add *validity* to findings.

Statistics Canada is a federal agency which enjoys a world class reputation. All research and data that it collects for the government as a whole, or when commissioned by specific departments such as Health Canada, are expected to be sex-disaggregated, and generally, they are. However, resistance to integrating gender comes in a number of ways. For instance, this agency has yet to create a mechanism for ensuring this, and for interacting with women-based bureaus in the departments that pay for some of the research they generate. For example, the longitudinal National Population Health Survey should include more and better questions that ferret out gender-differences. Fortunately, current considerations about which supplementary questions should be added ("supps" are included in every biennial survey) include questions on women's health and questions on care giving and self-care, two issues of particular relevance to our area of interest. The agency is increasingly more open to the realization that it isn't enough to have a "male" and a "female" column in one's tables. The *analysis* of data needs to highlight gender differences, also. Statistics Canada has a policy which disallows the interpretation of data beyond the immediate observable and known facts, which often creates a vicious circle in bringing gender issues to the fore. For instance, if victimization statistics are up or down in a given period, the analysis will not venture far in hypothesizing around possible gender-related causes.

4. Recognition by all governments of the need for consultation and contact with the "real world" when making policy.

The organizational arrangements of the Centres of Excellence funded by Health Canada embody this policy in that Health Canada has made it a requirement that their administrative and program structure must rest upon a partnership of academia and community groups.

5. The promotion of "horizontality" of issues and the need for multi-sectoral responses to these issues.

This serves well the holistic approach that is championed by women's health advocates and researchers. Horizontality has given credence to a multi-disciplinary, multi-factorial approach to health and health research and has created a synergy with the WHO and the Beijing definitions of health. It fits well with Health Canada's adopted paradigm of health determinants which we discuss below and which has become the basis of virtually all research in Health Canada and specifically research by the Centres of Excellence for Women's Health.

Federal *Health* Policy Areas

1. The main paradigm under which Health Canada operates, and which permeates all of its work, is that of population health.

For our purposes, this paradigm has three aspects:

(1) it moves the focus from the individual to population groups.

(2) it embraces the theory that social and economic determinants of health do more to influence the health of populations than do health care services. Health Canada has acknowledged 12 determinants of health. Gender and culture are two determinants that cross-cut all the others. The tenet that socio-economic factors are more critical than health services leads to a commitment to long-term prevention.

(3) policy and programs are organized around three major ages and stages: children, middle adulthood and seniors.

Their Effects on Women's Health Research

The focus on population groups allows HC to address women specifically as a group, countering the critics of the "gender-based" approach.

The terms of reference of the five Centres of Excellence for Women's Health — besides conducting research that will inform the policy process — require a population health approach. Their program of research must investigate gender as a determinant of health and the way it mediates other determinants and, ultimately, health outcomes. This is discussed in more detail below.

This is an extremely precious opportunity to shed more light on the role of poverty, lower social status, negative work environments and unhealthy physical environments and their links to health outcomes for women. We know very little yet on the interaction between many of these determinants. The Centres of Excellence will hopefully elucidate some of these connections and allow different policy sectors such as finance, employment and welfare portfolios to see their role in securing more healthful life conditions for women.

From an international perspective, Health Canada's division according to ages and stages may facilitate its reporting responsibilities to the UN including research activities, which constitute a meaningful segment of the Beijing

Platform (1) the UN requirement to report on progress on the 1990 New York Summit for Children and the UN Convention on the Rights of the Child; (2) the Beijing+5 requirement to report similarly on progress since the UN Conference on Women in 1995; and (3) next year's International Year of Older Persons. The ages and stages approach carries with it the risk of compartmentalizing health if we lose sight of the interconnectedness between the stages. Cardiovascular health, good life habits, solid incomes and the prevention of osteoporosis begin in childhood. However, policy-makers concerned with the immediacy of four-year governmental mandates do not always support, or have time to wait for the results of, longitudinal studies — which are the research glue of the ages-stages approach if used properly.

2. Canada is in the throes of a health renewal process which, in a nutshell, can be described as a shift from hospital-based, acute-care services to preventive, community-based care. Last year, a task force commissioned by the government handed down a report that essentially concluded that there was enough money to preserve the universal health care system but that the money should be spent differently, i.e., more efficiently and more effectively.

The task force also made two important recommendations: that the government should consider adding home care to its system and also pharmacare --on the basis that increasing the scope of public expenditure may produce a reduction in total costs.

Health Canada plans to investigate the sex and gender implications of home care and pharmacare programs in Canada. Home care in particular, has been recognized as carrying high economic and social costs for women as unpaid caregivers in the home. With the added interest that unpaid work has attracted in Canada in the last 3-4 years, women's health research will be encouraged to investigate a very broad range of issues about home care that might otherwise have not retained that much attention. To a lesser degree, pharmacare too will capture research attention. A funding program has been established for that very purpose. The challenge is in ensuring that gender issues are addressed systematically.

3. *The devolution of health services to Aboriginal self-government is the third major policy area of Health Canada.*

The Centres of Excellence for Women's Health are funding projects to clarify the health issues that are most critical to Aboriginal women. One of the main barriers to appropriate health services to this group of women is the fact that they are poorly represented in the decision-making process in Aboriginal government structures. Currently, there is no research on models of participation of women in Aboriginal governance.

HOW WOMEN'S HEALTH RESEARCH CAN AFFECT POLICY: THE CASE OF HEALTH DETERMINANTS

The left column reports on an analysis of structural and behavioural health determinants and their association with health outcomes for women, based on data culled from the 1996 National Population Health Survey[1]. Some findings reinforce previous research, while some suggest divergences. More research may be needed to verify the findings.

1. *Structural factors such as SES, education, one's main activity such as work or caregiving, etc., are more important determinants of health than behavioural factors such as risk-taking behaviour, and more so for women than men.*

For either sex, these findings could conceivably shift the emphasis in the health sector, from person-centred health promotion strategies to social and economic policy-making.

How exactly does poverty mediate health outcomes for women, differently than for men, is a research question begging responses which in turn may bring about different social production models of health.

Given the known links between SES and health, what are the interactive links between it, age, gender, work at home, and health? Policies on child care and home care should be informed by these findings.

2. Social supports, especially belonging to a family, are more important for women.

This has important implications for supporting community-based programming.

3. It is believed that structural factors mediate behavioural factors (poverty, stress, lack of education and knowledge about risk factors leads to high-risk behaviour such as smoking, drinking) but that these don't affect behavioural factors as much in women as in men.

These findings could encourage more person-centred health promotion programs for women and girls than for men and boys.

Are social supports the reason why women don't translate structural sources of stress into behaviour? If so, these findings could reinforce still further the importance of supporting social supports.

4. Education and income are a more significant mediating factor of health outcomes for women. Yet, consensus is not clear, because other studies report the opposite.

More research is needed.

5. *Women who are self-employed, professionals, are more likely to be healthy; women who are semi-professional, technicians or middle managers are less likely to be healthy.*

This information is useful in targeting health promotion programs such as cancer screening to certain populations, and to develop programs suitable to the characteristics of that population.

6. *The sex of a parent who is a caregiver of children is not a factor in health outcomes, surprisingly.*

More research is needed, since other research reports that one of the most common problems reported by women in relation to their health is fatigue and tiredness[2].

7. Women living alone are in better health; women single parents are not in as good health. These have important implications for child care policy, child support payments, and family supports.

In summary, the authors of the above research outline their key findings by noting that in respect to the self-perceived health of women, the positive mediating factors are social supports, a high income, being unattached and living alone, and full-time caring of children without a paying job. On a 10-point functional health scale[3] titled the Health Utility Index, high income, full-time parenting and social supports are the positive mediating factors. This suggests that in society's current structural arrangements, if women want to be in good health, the incentives are to earn high salaries that they can spend on themselves alone, or remain at home as full-time caregivers. The two options are worrisome since most women fall somewhere in between, auguring poorly for population health status for women, unless major structural changes occur.

ISSUES OF GENDER, POLICY-MAKING AND RESEARCH

The Integrity of the Research Process

The fact that broad policy orientations drive research has been the subject of spirited debate among women's health groups. For some, the funding of research for the primary purpose of informing policy is seen as vitiating the process of research. Academics doing research have enjoyed a certain amount of autonomy in the selection of issues to research, methodology and the angle from which to discuss findings and make recommendations. Researchers feel that they are in a better position to know what issues need researching, that the issues which policy-makers chose are not necessarily the most pressing or perhaps the most intellectually interesting. Researchers feel that they are taken hostage by governments, since the latter are their main if not their only source of funding, leaving them with virtually no other option for pursuing the research that they consider a priority.

Time Frame Incompatibility

Another question that dogs policy-driven research is the problem of incompatible timetables. By the time a researcher has done her networking and discovered what is the hot policy issue of the hour, by the time she has developed her project, defended it, sought approval, received funding, completed the data collection, analyzed it, and translated it into the language and format that is useful to the policy-maker, the urgency of the issue may have come and gone and the policy decisions taken. In a yet unpublished U.S. study (as of late 1997), only 5 out of 19 states that made changes in Medicaid cost-sharing arrangements, did so on the basis of research. Which adds to the suspicions that policy is never made on the basis of evidence. The old adage that you can't rush research challenges this new era of policy-driven research.

The best advice to researchers is to encourage them to be pro-active rather than reactive, that is to keep their ear to the ground and strengthen their networking with policy-makers and advocates, in order to lead rather than follow. Using existing data sets rather than creating new ones also helps shorten time frames.

Mutual Understanding

The Executive Director of a health research organization in Canada remarked that policy-making is like sausage-making: you don't want to watch it. Other articles I have read refer to policy-making as the "black box", an equally disturbing comparison, suggestive of crash landings. Conversely, to policy-makers, research is often inscrutable, irrelevant, utopian, or pretentious. There is indeed a great divide.

Many researchers simply don't know how policy gets made. Some are naive in believing that policy-making is driven exclusively by factual data. Timing, public pressure, trade-offs between holders of different policy portfolios are all determinants of how and which policies are made.

Research data should be useful (relevant), user-friendly, sound, sufficient, available, and targeted to different levels of decision-makers: politicians, senior managers, policy analysts, researchers. In other words, data should be audience-specific or at least the analysis and the recommendations should be.

More synthesis research, when there is enough of a critical mass of research to synthesize, can be an important contribution to policy-makers, who do not have the time, the inclination and sometimes the training to plough through large volumes of data.

The responsibility is not one-sided. Policy makers must welcome research. The Executive Director of sausage analogy fame recommends that governments (who are the main artisans of public policy) establish what he calls "receptor units" which accept, decode and integrate findings for application to policy. Annual conferences should be hosted by governments to allow research findings to flow and to be given platforms. Targeting research funds to specific policy issues can be helpful, as in the case of centres of excellence for women's or for children's health. Governments should foster an atmosphere of multidisciplinary research, to counter the tendency among researchers to work by discipline rather than by issue. Governments should also consider funding applied to research training, to help researchers understand the world of government, the world of policy-making and the possible points of intersection between the two groups.

Feminist Research

Researchers interested in women's issues live in a world of multiple jeopardy. Feminist values are seen by policy-makers as self-interested, and feminist researchers as self-absorbed. Research that is not quantitative is often dismissed as invalid and unimportant (what women say they need, how they understand their health and how research searches out this understanding of health and proposes it as a basis for policy is often derided.) Lack of coordination in research programs and in the judicious allocation of research dollars unfairly disadvantages feminist research which is under-funded in the first instance.

Ironically, research and knowledge about health and women's specific health issues can be used against women. The world of occupational health affords examples of this: tendonitis that is lodged in a tendon other than the one that was the exact subject of research is dismissed by compensation boards as a non-basis for workers' compensation; text in a research article that states the limitations of a study is often excluded from a court case and the research then discredited. The track record of women receiving compensation is poor, in part due to the lack of receptivity of adjudicating bodies to research, or their selective attention to it, fuelled by negative attitudes to women.

Other issues include:

- Research ethics codes that are not gender-sensitive, and disregard feminist ethics as biased.
- Research gaps that rob governments from upholding contentious policy positions which can ensure women's equality, i.e., the claim that abortions are a factor in breast cancer.
- The dire need for tested tools to do good gender-based research, a shortfall that will hopefully be eliminated soon.
- Reluctance on the part of mainstream research funding agencies to make gender-based analysis an explicit condition of funding.
- And lastly, the financial imbalance in research funds allocated to women's health vs. sex-undifferentiated projects, which probably stands as the greatest barrier. The determinants of women's health research parallel the determinants of women's health: structural, more so than behavioural barriers, are the key impediments. In the meantime, better policies for women are undermined.

CAPSULE OBSERVATIONS OF THE STATE OF THE RESEARCH-POLICY PARTNERSHIP:

- We have good research that has not been given any follow-up at the policy level (e.g., research on excessive drug prescriptions to older women).
- We have policy activities that are proceeding without enough knowledge about how best to proceed or not to proceed (cuts to health care and the implications on women as paid and unpaid workers).
- We have certain hand-in-glove activities where hopefully, research will inform policy (home care and pharmacare).

ENDNOTES

1. Margaret Denton and Vivienne Walters, *Gender Differences in Structural and Behavioural Determinants of Health: An Analysis of the Social Production of Health*, McMaster Research Centre for the Promotion of Women's Health, McMaster University, August 1997.
2. Vivienne Walters, Rhonda Lenton and Marie McKeary, *Women's Health in the Context of Women's Lives*, Health Canada, 1995, p. 5.
3. The Health Utility Index provides a description of an individual's overall health based on 8 attributes: vision, hearing, speech, mobility, dexterity, cognition, emotions and pain/discomfort.

ENGENDERING PUBLIC POLICY: THE ROLE OF RESEARCH, STATISTICS AND INDICATORS IN THE PUBLIC POLICY PROCESS: SOME EXAMPLES FROM CANADA

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ABSTRACT

This paper outlines the experience of Status of Women Canada (SWC), a government agency, on two related areas pertaining to gender analysis and public policy process: support for more policy-relevant research, especially on "economic equality" issues, as a base for defining trends and emerging policy questions, identifying policy gaps, critiquing existing policies and providing alternative frameworks; and the development of improved statistics and indicators of women's and men's relative economic situations as a tool for gender analysis, to foster approaches to the economy that reflect women's realities, to plan policies and to evaluate outcomes. The paper identifies how the Policy Research Fund (PRF) and the Economic Gender Equality Indicators (EGEI) are making needed contributions to the process of engendering public policy as well as where gaps remain and further challenges have arisen.

In Canada, the federal government and the provinces and territories each have a Cabinet minister responsible for status of women issues and an office within the public service to support this function; SWC is the federal agency. While a few of these offices have some direct policy or program responsibility, their mandates for the most part involve coordinating and providing advice and assistance to other parts of government on gender equality issues.

All jurisdictions, as well, have identified the need to examine the implications of policies and programs on women and men as a key element of the policy process. This interest in gender analysis also fits within the overall public demand on governments everywhere for greater public accountability for policy design and outcomes; when resources are limited, costly mistakes are ill-afforded.

In recent years, the federal-provincial/territorial relationship has been changing with several key policy areas that have an impact on women's lives devolving increasingly to the provinces and some, in turn, to municipalities. All governments have been downsizing and facing the challenges of global restructuring and shifts in population patterns, employment and social structures. This, along with changed funding relationships between levels of government, has resulted in increasing concern among women in Canada about the need for a knowledge base for policy that better reflects women's situations and interests, and greater comparability and accountability for gender equality across the country. Two initiatives which address these needs, the PRF and the EGEI, are described in this paper.

THE PRF

The Need For Policy Research

Gendering the policy analysis and development process involves several players, each with their respective roles, interests, and relative power to effect change. Women's groups and other non-governmental organizations (NGOs), through their research, written briefs, presentations to Parliamentary Committees, and other advocacy activities, are important contributors to this process. To the extent it engages in policy-relevant research, the feminist research community can assist in identifying policy issues and documenting the potential impact of proposed solutions. The media often contributes to enhancing the visibility of and knowledge about policy issues, although their interest in women's issues is usually limited. Individual women (and some men) often choose to voice their views through letters and other means.

From the "inside", government policy analysts and decision-makers and politicians engage in the development, analysis, implementation and evaluation of policies for their differing impact on women and men. This process, now known as gender-based analysis (GBA), is essentially a mainstreaming strategy to which the federal government is publicly committed[2]. GBA calls for integrating gender concerns into government structures and procedures so that they become "routine" in the government's work.

"Conducting research" is a key step for all participants in the policy process, including government policy analysts specifically engaged in GBA. Those who analyze existing policies and legislation and develop new alternatives must ask themselves how the research they consult addresses gender issues, and how gender considerations are integrated into research design and methodology. All subsequent stages in the GBA process - from the development and analysis of policy options and recommendations to the indicators used in the policy evaluation - are dependent on the research used. Hence the success of GBA as a strategy depends to a large extent on the availability and accessibility of timely, policy-relevant research on issues relating to the advancement of women's equality.

SWC'S PRF

A Knowledge Base for GBA

The implementation of GBA, coupled with an increasing recognition within the federal government of the importance of policy research as a pre-requisite for good policy and planning, have essentially increased the need for gender-based policy research in Canada. The increasing diversity of the Canadian population provides further need for increased knowledge on which to base policies and programs.

SWC's PRF attempts to fill some of these gender-related policy research needs. Instituted in 1996 based on input from pan-Canadian consultations, its primary objective is to fund non-governmental, policy-relevant research on issues related to the advancement of women's equality. The focus of the PRF research is on *emerging issues* — new trends, questions, needs and challenges that women are likely to face in the medium and long term, as well as unanticipated, longer-term dimensions of issues that are currently on the public policy agenda. It is hoped that this research will help to identify policy issues before they become "problems" and to create the necessary knowledge base in order to develop policies that further women's equality. A smaller portion of the PRF's research is dedicated to *urgent issues* - short-term policy issues that are currently on the public policy agenda, where the gender dimension is not adequately debated, where time is of the essence, and where there is an opportunity to effect change by participating in the policy process.

Approximately $1.1 million is available for research, funded on a competitive call-for-proposal process, as well as for the translation[3], publication and distribution of research reports. SWC is responsible for the overall management of the Fund and is accountable to the federal government for ensuring the funds are spent the way they were intended to be. A small committee of members, appointed from nominations from stakeholders, plays a guiding role in finalizing the policy research priorities, selecting the research projects to be funded, and deciding which reports will be published by SWC. Input from regular consultations provides the basis for finalizing the PRF's priorities, and calls for proposals are issued annually. Eligibility is open to individual researchers or research teams (including academics), research organizations and institutes, women's groups, other equality-seeking groups, and others.

SWC is committed to making the PRF's research accessible and available to a wide variety of participants in the policy process. Once published, the research reports are distributed free of charge to policy-makers, women's organizations, equality-seeking and advocacy groups, research organizations, public and university libraries, and others while quantities last.

By funding rigorous, credible research that policy-makers will take into account, and by making this research available, SWC hopes to bring policy research on women's equality into the public policy arena. The ultimate goal is to enhance the public policy debate from a gender perspective and to contribute to the development of better policies, ones that seek to advance women's equality.

Defining Policy Research

"Policy research" is *the* determining factor in the PRF funding decisions: only research that meets the criteria outlined below is eligible to be considered for funding. This definition, considered relatively restrictive by many, has been the result of discussions and some debate over the past two years.

Policy research is defined as research whose primary focus is linked to the public policy agenda, and whose results are useful to the development of public policies that promote women's equality.

For research to be considered *policy research*, it must:

- identify policy gaps, new policy questions, emerging trends or new policy issues;
- propose frameworks for the evaluation, analysis and critique of existing policies;
- develop concrete alternatives to existing policies and/or new policy directions and options.

Experience So Far

In its short history — two years of operation — the PRF has received over three hundred proposals in response to the four calls for proposals issued so far. Proposals have come from a range of "authors" from every region in the country, including national, regional and local women's groups, academic researchers, independent researchers, research organizations, equality-seeking groups, and partnerships. A commitment to documenting women's diversity is among the PRF's guiding principles, and proposals have been received from disabled women's groups, women of colour, immigrant women, lesbian women, language minority groups, older women's groups, and other "diversity" groups and individuals.

The first ten research reports funded through the PRF have just been published in the spring 1998.[4] These reports focus on two policy research themes as identified by participants at pan-Canadian consultations held in 1996:

- the impact on women of the reduction and restructuring of federal transfers for health, education and social programs into a single block fund (the Canada Health and Social Transfer);
- women's access to justice issues.

Both of these themes focus on specific policies or policy areas, and the research projects selected for funding all meet the definition of "policy research" as described above. All of the reports are relatively critical of government policy, however to varying degrees, the research reports provide concrete policy options or alternatives to the policies they critique.

Although it is too early to evaluate the full impact these research reports have had on the policy development process, a few preliminary observations can be advanced. Firstly, some of these reports, including two on child care and child benefits[5], have received considerable media attention, largely due to the authors' initiative. This attention has increased the number of requests for the reports, specifically on the part of women's groups and policy advocates, and may create a certain "obligation" on the part of politicians and policy-makers to address the policy options proposed in the reports. SWC's policy analysts have begun to integrate the findings from this research in their regular GBA activities, and are actively promoting them in their work with other departments and colleagues.

FUTURE CHALLENGES

Producing Policy Research

"Policy research" is an evolving concept which is understood differently in the policy and academic research communities respectively. At one extreme, some academic researchers adopt a narrow definition of "policy research", equating it with "government (contract) research" or "political research" whereby researchers necessarily lose control over their methodologies, findings and conclusions and may not see their reports published. Some researchers take the view that policy research places serious limits on academic freedom and undermines both their credibility and their "independence". Others point out that policy-relevant research, much like community-based action research, is not recognized as valuable for the purposes of tenure, salary and other job-related issues. At the other extreme, women's groups and the policy-making community have advocated for greater relevance in academic research, and has called on researchers to engage in the important social and economic policy debates.

These and other differences have emerged in discussions between SWC research staff who manage the PRF, and the external committee members composed largely of academics, who play a key role in the selection of research priorities and projects to be funded. For example, while SWC research staff has valued proposals that demonstrate knowledge of the existing policy context and focus on developing concrete policy alternatives and options, external committee members have tended to value the broader research that documents trends and proposes general *directions* for policy development and change. Discussions on research priorities have fallen along the same line, with the external committee identifying broad policy issues and SWC's research staff trying to focus the calls for proposals on specific policy issues, problems, and solutions.

These debates point to an important gap in the policy development process which is not being adequately met, i.e., the need to "translate" research findings into applied policy terms. This in turn raises the question as to whose role it is - researchers or policy-makers, both, or neither - to provide this "translation". At the very least, they point to the need to find ways to bridge the gap between research and policy, and between researchers and policy-makers.

Maintaining the Independence of Policy Research

While the PRF is managed by SWC's research staff, who are government bureaucrats (or 'femocrats' - we are also feminists!), the external committee's role with respect to the selection of priorities, research projects, and peer review helps ensure the independence of the research produced. As per SWC's public commitment when setting up the PRF, the authors have full control over their methodologies, findings and conclusions. Publication decisions are based on the reports' accuracy, methodological and analytical rigour, and usefulness to the intended target audiences.

Almost by definition, the research reports are critical of government and propose policy solutions that are not necessarily considered feasible by policy-makers. The release of the first research reports funded through the PRF are, therefore, likely to provide challenges for the Secretary of State (Status of Women). For example, even though the title page of each report includes a disclaimer indicating that the contents of the report do not necessarily represent the official position of the Government of Canada, certain Cabinet colleagues may question the publication by government of reports that are so directly critical of their policies. This situation is most likely if the policy research report focuses on the policies of one specific line department - for example the Department of Finance or Human Resources Development Canada.

In setting up the PRF, the Government of Canada made a public commitment to support independent research to be used to influence the policy debate from a gender perspective. The current Secretary of State has defended the PRF and is strongly committed to maintaining the independence of the research produced. Time will tell how well this challenge can be met.

EGEI

These indicators are the result of a two-year project, commissioned in 1995 by Federal-Provincial/Territorial Ministers Responsible for the Status of Women, to design a limited set of indicators which would provide an overall picture of women's and men's relative economic status across Canada. The project aimed to make a contribution in several areas:

- accountability to the public;
- support for gender analysis;
- public understanding of women's economic realities;
- comparability of women's situation in different parts of the country;
- inclusion of gender in the development of social indicators that are comparable to the way Gross Domestic Product (GDP) serves as a benchmark of progress and growth in the economy.

The set of indicators on income, work and learning, taken together, reflect core, interrelated aspects of the distribution of economic resources and benefits between women and men that should be taken into account in any gender analysis of policies and programs. The indicators are expressed as indices using ratios of women to men, where 1.0 represents equality, in the sense that there would be no gap between women and men. They show averages for women and men and trends over time.

Total income was selected because women's income tends to be more varied than men's, and after-tax income because the tax system is the primary vehicle for income redistribution in Canada. Total earnings reflects the overall pattern of women's paid labour force realities. Findings include[6]: between 1986 and 1995, all income and earnings indexes improved (after tax income went from 0.52 to 0.60, meaning that women's income went from 52% to 60% of men's); sources of income in addition to earnings, such as child support, maternity-parental benefits and pensions, helped reduce gender inequality and the income tax system had a further positive effect.

Work indicators include a total workload, paid work and an unpaid work[7]. They were selected for two main reasons. First, women still perform the vast majority of the unpaid work that children and other dependants entail and this unequal sharing of work may be the most persistent barrier to gender equality. Second, because time is the one resource that everyone has in common on a daily basis it is a good measure of equality. Findings include: women worked over half an hour more every day than men in 1992 — 8.9 hours compared to 8.3 hours which puts the index value at 1.08; there was better sharing of paid and unpaid work between women and men in 1992 than in 1986 but in 1992, full-time employed women with a full-time employed spouse and a child under 6, did almost double the child-oriented work of men (1.86) and for two types of households with young children, women's share of paid work and child-oriented unpaid work were higher in 1992 than in 1996.

Learning indicators include university degrees granted in male-dominated, female-dominated and gender-neutral fields. Job-related training compares women's and men's participation rates, including employer-sponsored training, and training time. Finally, occupational returns to education shows how women and men with higher education compare in terms of finding employment with good potential for economic well-being and security. Findings include: from 1981-94, women made inroads into male-dominated fields (0.21 to 0.34) but their concentration in female-dominated fields has also intensified (2.24 to 3.00); employer-supported training moved away from gender balance between 1991 and 1993 (0.75 down to 0.68); from 1986 to 1995, there was a steady closing of the gender gap in the chances of graduates getting a "good" job.

Conceptual Issues

What is most significant about the indicators is that they deliberately challenge traditional assumptions and models, as outlined below, and find ways of using existing data to reflect realities that are often obscured. When the results of this work were published, Ministers acknowledged that their contribution was but the beginning of work that was needed in this area and that their purpose was to stimulate further policy discussion and in-depth analysis of the underlying factors behind the aggregate trends and patterns. It was not an easy decision for Ministers Responsible for the Status of Women to make to release a set of indicators without being able to explain why the numbers looked as they did, but it was made with the awareness that this subsequent analytical work depended on, and was the responsibility of, others both inside and outside government.[8] To the extent that the following issues are being raised and debated, and invitations issued to discuss this work, the EGEIs have already been very successful.

GENDER EQUALITY AS A SOCIAL OBJECTIVE

As with other social indicator efforts the EGEI set was designed based on social objectives - in this case to measure economic gender equality. This is obviously important to women as those experiencing the consequences of their inequality but also to other social goals. Research from around the world has led to formal international recognition that progress toward gender equality is a necessary condition to improve society's ability to manage major domestic and international challenges such as reducing poverty, violence and the spread of disease, achieving environmental sustainability, and promoting social cohesion. A key gap in much of the other indicators work surveyed was the absence of gender equality as a goal and inadequate recognition that measures of well-being may not be the same for men and women. Gender equality indicators are not just about disaggregating data by sex but about measuring the right things.

Measuring substantive equality, where equality does not mean sameness, presents particular challenges for selecting indicators and interpreting results. An extreme example demonstrates this point: a move towards the point of equality (a ratio of 1.0) on the earnings indicator, would not in fact reflect a move toward substantive equality or improved human well being if it were achieved by women simply increasing time in paid work to match men's by no longer having, or spending time with children. How we achieve gender equality is, therefore, critical. The framework for selecting the EGEIs uses two mutually reinforcing routes to gender equality:

- improving women's access to domains traditionally dominated by men and encouraging men to share responsibility in female-dominated areas (e.g., removing discriminatory barriers which prevent women and men from realizing their potential);
- correcting the undervaluation of activities where women have predominated (e.g., equal valuation of the ways in which women and men are different as well as similar and promoting a greater sharing of society's costs and benefits).

It is also essential to this concept of substantive equality that the indicators are used as an interrelated set in gender analysis and policy development. For example, a policy designed to reduce the gender gap in earnings must also meet the test of reducing or at least not increasing the gender gap in work or learning indicators.

MALE STANDARDS AND WOMEN'S REALITIES

The EGEIs describe the issue of male standards using the wage gap. Probably the best "known" indicator of women's status by the public at large is the full-time, full-year wage gap where women's earnings stand at about 73% of men's (1995). It is limited, however, as an indicator of women's reality because women are only about 40% of full-time paid workers, and 70% of part-time paid workers, who are not included. The traditional wage gap does not take into account the unpaid work demands of dependent care which is primarily performed by women and at times requires full withdrawal from paid work. In other words, it only provides information about women when their paid work patterns are similar to men's.

All women and men 15 and over are, therefore, included in the gender equality indicators for income, and those 18-64 for earnings, because this reflects the reality of the gendered structure of our economy. Another reason why this common denominator is important is in order to show the overall relationship among total earnings and total income before and after tax as well as between these indicators and the total workload indicators.

A related issue debated was whether to use a standardized indicator that takes into account differences among women in men in age, education, occupation, presence of young children and other factors that "explain" the income and earnings results. A deliberate decision was taken to not include this among the indicators because rather than reveal it would mask real differences. The value of such standardization is as an analytical tool to help reveal more detailed patterns behind the aggregate numbers and to determine what factors are having a positive or detrimental gender equality affect ,and for this reason an example was included in the EGEI document.

The problem of male standards, however, will likely continue to be an issue in this sort of work to the extent that it continues to be preoccupied with paid labour market issues without commensurate attention to factors outside the market. Some critics of the EGEIs say the comparison made in earnings and the inclusion of unpaid work are unfair or unreasonable because women "choose" to leave their paid work to have children. They do not acknowledge that because of social and economic structures and the limits on meeting the needs of children and other family members and dependants, women often must make decisions that reduce their actual and potential earnings, income and security. But this does not mean they choose to have their work undervalued. Nor does it mean that this work is not valuable to society; it is essential.

The other major effort in the EGEIs to use a more inclusive standard that reflects male and female experience is the inclusion of both paid and unpaid - or market and non-market - work. There is a great deal to be said about unpaid work that is not possible in the scope of this paper but its inclusion in the indicators is a reflection of the work of feminists and others who are addressing the problems with measures like GDP which are based on a conception of the economy that is synonymous only with what happens in the market, where men and male standards predominate. While Statistics Canada is a world leader in unpaid work measurement, the information available is still not widely known to the public or used in policy development. Within SWC, a priority focus of our work is on the policy implications of non-market work, especially the care of dependants. The work section of the EGEIs is also used to stress the necessity of looking beyond aggregate indicators. Work categories are broken down by beneficiaries of the work (children, other relatives and friends, self and household, voluntary organizations) and women and men in different household types are compared in order to demonstrate how varied work patterns can be, especially highlighting the effects of the presence of young children.

Male standards also presented a problem for the indicator on occupational returns on education which required using a socio-economic classification scale based on "traditionally defined" high-status occupations which reflected the historical undervaluation of work traditionally performed by women. Rather than drop this indicator, the scale was used because there was still value in knowing how well women are represented in these occupations but it was acknowledged that further efforts to examine gender bias in socio-economic scales could make an important contribution to this field.

INDIVIDUALS AND HOUSEHOLDS

There have been questions raised about the validity of comparing individuals, especially for income indicators, arguing that women's economic situation is a reflection of the income of the household they live in, not just their own. From a gender equality perspective, however, the family or household is not a suitable unit of measure as by definition women and men must be compared. In addition, most definitions of well-being used for social indicators stress the importance of self-determination, security and ability to control resources such as money, one's own work effort and social relations. Actual control over "shared" income in households will vary from one situation to another. A better understanding of individual resources available to women and men is needed as this can affect an individual's ability to make economic decisions and to negotiate with others, inside and outside the household.

LEVEL OF AGGREGATION

Both more traditionalist critics and women's organizations have raised questions about the use of total averages of women and men. On the one hand some suggest that this underrepresents progress (e.g., narrowing of the full-time, full-year wage gap or the fact that there is almost no gender gap between young, childless women and men). On the other hand, there is concern that the indicators overrepresent progress by not sufficiently addressing the situation of less advantaged women who are experiencing a deterioration in their economic circumstances.

This is a difficult issue, especially in terms of reflecting the full diversity in Canada, and it was stressed in the indicators that these factors are absolutely essential for gender analysis of the patterns behind the indicators. Factors such as Aboriginal status, disability, race, age and family status, and rural or urban location, can interact with gender in different ways. In particular, because raising children continues to have greater impact on women than men, there can be even greater economic differences among women - those with and without children - than there are between women and men. Indicators, by definition, however, present the big picture, the overall results provide a portrait of large societal patterns and it is important that this be continued.

TECHNICAL ISSUES

In addition to conceptual issues, there were a number of technical challenges, including finding the best data sources and ways of including information about all parts of Canada. Sometimes, the best sources of data for Canada as a whole, based on detailed sampling, are limited in information about certain parts of Canada because of small sample sizes. This means that the reliability of the indicators varied across jurisdictions. Meeting the diversity challenge is also a technical issue because major data sources for income and other areas do not ask questions about race or ethnicity or other characteristics. Nor is there consensus among minority communities about when such questions should be asked. Special modelling using Census data was required in some income indicators, and although it was not published it allowed some comparison of Aboriginal and non-Aboriginal populations in the north. With regard to unpaid work, Census data were, unfortunately, not available. This is changing, however, given the recent release of the results of the 1996 Census questions on unpaid work. These results will provide valuable new information on diverse population groups in all parts of Canada for use by governments, communities, social organizations, businesses and individuals.

Follow-up Activities and Future Challenges

A symposium on gender equality indicators, which went beyond the EGEIs, was held at the end of March 1998, bringing together policy-makers from across Canada, organizations involved in developing social indicators, academics and women's organizations. It was co-sponsored by Statistics Canada, SWC, Human Resources Development Canada, the department responsible for the majority of Canada's employment and income security programs and Health Canada. Out of this very successful exchange of perspectives and expertise several recommendations have come forward, including that the EGEIs should be updated on a regular basis and that this and additional information on women and men in

Canada, selected with input from non-government organizations should be made more widely available in an even more publicly accessible format. In the area of analysis, a priority has been placed on the Census data on unpaid work to supplement the information from time use surveys used in the EGEIs. One specific project is being designed in cooperation with women's organizations involved in this issue. Both Statistics Canada and SWC are also involved on an ongoing basis with several social indicators projects that are underway within and outside government.

ENDNOTES

1 The views expressed in this paper are those of the authors and do not necessarily reflect the position of Status of Women Canada or other departments or agencies of federal, provincial or territorial governments in Canada.

2 Federal Plan for Gender Equality, Canada, 1995

3 All Government of Canada publications must be made available in both official languages (English and French). Hence all published research reports must first be translated.

4 These reports were funded on an interim basis, while the external committee was being appointed and the PRF operationalized.

5 Women's Support, Women's Work: Child Care in an Era of Deficit Reduction, Devolution, Downsizing and Deregulation, Gillian Doherty, Martha Friendly and Mab Oloman, Doherty Inc.; and Benefiting Canada's Children: Perspectives on Gender and Social Responsibility, by Christa Freiler and Judy Cerny, Child Poverty Action Group.

6 All findings here are for Canada; provincial and territorial data for most indicators are published in Economic Gender Equality Indicators, Canada, Federal-Provincial/Territorial Ministers Responsible for the Status of Women, 1997.

7 Unpaid activities are classified as work of economic value when they produce a set of goods and services that are marketable: meaning that they could be produced for, and purchased in, the market. This definition was developed when Statistics Canada began measuring and valuing unpaid work in the 1970s. The classification of work according to the beneficiaries of the work is found in Statistics Canada's Total Work Accounts System.

8 In order to further this analytical work and its use in research and policy development, the Economic Gender Equality Indicators document includes a section with additional resources in the areas of statistics on women and men, social indicators and economic gender equality issues.

BETWEEN A ROCK...FINDING A NEW PLACE[1]

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ABSTRACT

This paper takes as its starting point the inherent contradictions of state feminism (the development of which in Canada is briefly traced) and examines recent experience at the Department of Justice Canada. It describes the particular dilemmas of 'femocrats' in terms of their marginalization within institutions and lack of credibility with grassroots feminist organizations. The paper argues that women's equality interests would be more effectively advanced, and the contradictions of state feminism rendered less powerful, if grassroots feminists and femocrats working on justice policy issues were to find a new place for respectful dialogue and collaborative action.

The project that is feminism applied to law is fundamentally a project of naming, of exposing the world as man-made. In law, the issues that preoccupy women, Scales notes, are all issues that emerge out of a male-defined version of female sexuality. Abortion, contraception, sexual harassment, pornography, prostitution, rape, and incest are "struggles with our otherness," that is, struggles born out of the condition of being other than male.[3]

Feminists in grassroots movements and feminists working within state institutions ('femocrats') share "the condition of being other than male." Historically, however, interactions with each other on public policy issues have been complicated, and often impeded, by our respective institutional or political allegiances, and our different class locations. Grassroots feminists and femocrats need to create a space where we can more effectively use what is both common and unique to our experiences to jointly challenge state inertia on advancing women's equality, especially around questions of women and the law.

The idea for this paper occurred in the fall of 1997 while witnessing (to this author at any rate) some unnecessarily negative exchanges between the federal minister of justice (and her bureaucrats) and a coalition of Canadian grassroots feminists and academics addressing issues of violence against women. The meeting was the latest in a series of annual consultations begun by the minister in 1994[4]

The initial impetus for the consultations can be traced to the proclamation of Section 15 of the Charter of Rights and Freedoms in 1985 which reinforced the recognition of gender equality as a substantive justice issue. Subsequently, the issue gained momentum in the Department of Justice under the leadership of then Minister Kim Campbell who hosted in June, 1991 a ground-breaking National Symposium on Women, Law and the Administration of Justice attended by several hundred activists, academics, representatives of women's organizations and officials from federal and provincial justice departments.[5]

Later that same year, Minister Campbell responded swiftly to the quashing of the "rape shield",[6] meeting with women's groups and victims' rights groups to seek their advice on new legislation to replace the "rape shield." Bill C-49[7] was introduced in December 1991 with widespread support, and received proclamation in August of 1992.

The collaborative forging of Bill C-49, and several years later of Bill C-46[8], are commonly held as successful examples of what can happen when those inside and outside government work together to advance women's equality. This is probably the sort of specific result that feminists, otherwise highly skeptical of the capacity of the state to advance feminist goals, have in mind when they concede that "Canadian femocrats[9] have had some success in bringing about change in substantive policy by working within the Canadian model of policymaking and implementation."[10]

A BRIEF HISTORY OF THE DEVELOPMENT OF STATE FEMINISM IN CANADA

The first women's policy agency of the Canadian federal government was the Women's Bureau, established by the Minister of Labour in 1954 with a mandate to address through research, study, and the dissemination of information, the "special problems facing women workers." Ten years later, a coalition of 32 women's organizations successfully lobbied the Canadian government for a commission similar to President Kennedy's Commission on the Status of Women in the United States.

The Royal Commission on the Status of Women reported in 1970, with 167 recommendations, one of which was the appointment of a permanent status of women council. The government first appointed a coordinator for the status of women in the Privy Council Office,[11] and then in 1971, a junior minister responsible for the status of women.[12]

The Canadian Advisory Council on the Status of Women (CACSW) was established in 1973 as "an independent organization, funded by government, but situated outside the government structure,"[13] reporting through the minister responsible for the status of women, with a temporary mandate essentially reflecting the fairly broad responsibilities set out by the Royal Commission. Three years later, in 1976, CACSW was formally established but with a somewhat narrower mandate.[14]

1976 also saw the creation of Status of Women Canada (SWC), a federal agency within the government structure, also reporting to the Minister Responsible for the Status of Women, and with a mandate that included (and includes to this day) "analyzing policies, programs, and legislation for their impact on women" and "recommending changes" as well as initiating "policies to advance women's equality".[15] The underlying rationale was that almost all government programs and policies affect women, and therefore must be examined for their differential impacts on women. It essentially reiterated what had been asserted five years earlier when:

> *the Privy Council's Coordinator of the Status of Women (PCCSW) declared that Canada was committed to the "full integration of women in all aspects of society, and an end to discrimination," adding optimistically that "when this is achieved, the national machinery ... will become obsolete"....To effect change,* women and their policy concerns had to be fully integrated throughout the policy making process."[16] *(emphasis added)*

The last statement, made 24 years ago, sounds disconcertingly similar to the current Policy of the Department of Justice on gender equality analysis (GEA):

> By adopting an official policy on the *integration of gender equality analysis into all Department of Justice work*, the Department formalizes its commitment to ensuring that every Justice issue is analyzed for its impact on gender equality.[17] (emphasis added)

This is the "integration model" that Geller-Schartz claims has not been very effective, at least up to 1995 when she wrote:

> *the protectiveness of the bureaucrats over their small areas of authority, the antagonism toward internal lobbyists, as they saw us (femocrats) and the general cynicism about women's issues meant that there was no support for such a policy making model.*[18]

Clearly there are contradictions inherent in state feminism. These contradictions began to play themselves out in earnest in the early 1980s, one of the signposts being the resignation of Doris Anderson as president of the CACSW[19] triggered by the government's demand that the CACSW cancel its conference to address women's equality guarantees in the newly patriated constitution. Another signpost was the "silencing" of femocrats wanting to raise questions about the implications for women's equality of free-trade with the United States, leading one former femocrat to comment: "Free trade was an issue too central to Government priorities to be sidetracked."[20],[21]

Department of Justice[22].

To prepare for the 1991 Symposium, the Department of Justice set up a Working Group on Gender Equality, which continued afterwards to develop the Departmental response to Symposium recommendations. The working group comprised staff mainly at the officer level (lawyers, other professionals in the department — mostly women) from different sectors and responsibility areas and was chaired by a senior policy officer in a unit broadly responsible for "social policy" files (gender and multiculturalism primarily).

In 1994, members of the working group, frustrated by the overall lack of institutional support for gender inclusive policy and research activities, urged the chair to write to the deputy minister, requesting that he consider establishing a women's bureau in the department directly accountable to him (i.e. outside the direct control of any assistant or associate deputy minister). The chair agreed and the memorandum was sent. Two years later, after a process supported by the deputy minister and steered by a dozen or so members of the working group, a renewed Gender Equality Initiative was launched.

The renewed initiative explicitly called for the consideration of implications for women in all of the department's work and included:

- the creation of a new position, the Senior Advisor on Gender Equality (SAGE), mandated to lead the initiative;
- the establishment of an office of the SAGE, with two officers and support staff; and
- a network of persons designated throughout the department to carry out the mandate of the initiative.

Key features of the initiative included senior manager responsibility for implementing and supporting the initiative and the development of analytical tools and associated educational and professional development activities to assist staff throughout the department to conduct their work in a gender inclusive manner.

In the first year of its mandate, the Office of the SAGE secured senior management approval and endorsement of a policy stipulating the requirement for gender equality analysis in the department's work. The policy was widely distributed inside and outside the department, including non-governmental women's organizations. Given its broad and institutionally diverse target audience, the policy's language needed to be persuasive to staff throughout the department, including those not very familiar with gender issues or with reservations about the initiative, and it needed to signal to women's organizations and feminists outside the department that the department was seriously committed to women's equality interests.

BACK TO THE JUSTICE MINISTER'S 1997 CONSULTATIONS WITH THE COALITION ON VIOLENCE AGAINST WOMEN

Four moments during the consultation define the tone of discussions on the department's renewed gender equality initiative:

First, picture the consternation of Department of Justice femocrats as feminist legal academics and practitioners denounced the department's policy on gender equality analysis because it was premised on notions of formal equality.[23] It was, at the time, entirely perplexing. The entire gender equality initiative had been founded on the principle of substantive equality! One could, perhaps, concede that the formal equality interpretation was there to be made, the unfortunate by-product of attempts to render the policy palatable to everyone in the department. The policy defines "gender equality" as meaning "that women and men have equal conditions for realizing their full human rights and potential..."[24] and this could be construed to mean 'equal treatment.' Especially if, and this was the case, previously there had been successive disappointments in trying to achieve substantive equality in the legal context.

Second, the minister and the SAGE were told that gender equality analysis is essentially useless and that the department should adopt *feminist* analysis. While most Department of Justice femocrats draw heavily from feminist scholarship and writing to inform their own thinking and analysis, they would not try to sell a policy explicitly requiring "feminist analysis" in the department, familiar as they are with the pockets of antipathy towards even the less "radical" term of "gender equality." (See Dick Run!)

Third, when the SAGE explained that the department's network of gender equality specialists (GES) comprises feminists within the department who stepped forward to take on the GES role, one member of the coalition demanded to know "what the criteria was for feminist." Fourth, another member of the coalition advised the minister that gender equality analysis work by staff of her department could never replace the analysis provided by members of the coalition, nor ever allow the department to bypass their advice. That it was judged necessary to state this seemed somewhat ironic to some of the department's femocrats since the policy and the processes being put in place for gender equality analysis strongly emphasized the importance of securing information and advice from women's organizations and feminist legal academics. The initiative was seen by many femocrats as an institutional lever available to make the involvement of external women's groups more routine and open, *not* as a way to legitimate shutting them out of the policy process.

PREDICAMENTS

Australian writer J. Pettman asks:

> *How can people work within but aim to change state provision or administration, within a hierarchical and rule-bound structure, within a culture that is both formally and informally racist and sexist, where they are dominated by a political discourse of economic rationalism, managerialism and professionalism which constructs its clients as target groups or as isolated families and individuals?*[25]

How indeed? Feminist officials within an institution like the Canadian federal Department of Justice are considered by many colleagues and managers as unreliable, "too radical," incapable of advancing balanced advice, too captured by a single (feminist) interest group and therefore inclined to behave too much like an advocate. Their views and advice are often greeted with anything from quiet skepticism to open contempt.

Many women in grassroots, feminist organizations, on the other hand, observe that these same officials are comfortable, middle class, (for the most part) white, well-paid women whose class privilege obscures their perspective, no matter how good their intentions.[26]

This predicament is not unique to Justice. It has been a feature of state feminism for decades. It was said of the Canadian Advisory Council on the Status of Women, for example:

> *Its formal independence made it untrustworthy from the Government's point of view, whereas its substantive links to the Government made it suspect from the perspective of women's groups.*[27]

Grassroots feminists, on the other hand, especially those who work on the front-lines and encounter daily the results of violence against women, grow weary with the slow pace of government action around violence against women — and they grow angry with the many ways their expertise is exploited on the one hand and discounted on the other. A member of the Vancouver-based Women's Research Centre put it this way:

> *I think the myth that everyone is so concerned about violence against women now is really a convenient rationalization for the view that it's not necessary to fund or* listen *to women's groups above any other groups on this issue. The result is that, if we assert our expertise gained from years of work with assaulted women, we can be dismissed as just one perspective among many, or accused of trying to "protect our turf."*[28]

FROM LOBBYING TO LITIGATION AND BACK AGAIN...

For awhile after Section 15 (the equality guarantees) of the *Charter of Rights and Freedoms* came into effect in 1985, equality seeking groups, including women in anti-violence work, perceived a constitutional alternative to lobbying for improvements to laws and government policies. There was terrific optimism about the potential for social change in Charter litigation. Progress denied or hindered through more conventional means of political lobbying and pressure on the policy making process might be achieved — and more definitively at that — through legal action instead.

Thirteen years later, a number of important decisions notwithstanding, Canadian courts have not generally been much more receptive to "expertise gained from years of work with assaulted women" than have other arms of the state. In fact, as two constitutional experts recently observed: the "least powerful actors have made the fewest gains in Charter interpretation and at the same time have had their politics and practices the most disrupted by the Charter."[29]

Nevertheless, since the advent of the Charter, particularly Sections 15 and 28, rights talk is now an integral part of feminist discourse in Canada. Regarding the use of human rights discourse to address social injustices, Colleen Sheppard writes:

The rhetorical power of asserting "rights" allows historically powerless groups to reject the paternalistic, charitable, and optional connotations of non-rights-based claims. Asserting rights means taking up space and finding one's voice. It marks a transition from victim to survivor discourse, from object to subject, from subject to agent.[30]

Even if Canadian courts have been slow to embrace conceptualizations of substantive equality, persisting in, as Kathleen Lahey characterizes it, "conservative and superficial definitions of equality in Charter litigation,"[31] the new rights discourse presents a compelling symbolic lever to women in their transactions with state institutions. At the same time, has this made any discernible difference in the receptiveness of state institutions to demands by women for laws and policies that would serve to advance women's equality interests?

Certainly femocrats within Justice Canada have seized upon the *Charter* and rights discourse to garner support for the gender equality initiative among colleagues, mostly lawyers, in the department. (After all, what lawyer would not be in favour of upholding the law?) And yet, despite the power injected into feminist discourse by rights talk, and the stated resolve of the Department of Justice to attend to the gender equality implications of its policies and activities, most of the old impasses (between feminists and femocrats, and between femocrats and their colleagues) remain largely intact. Getting around them will require creativity and new courage on the parts of femocrats and grassroots feminists alike.

WE CAN'T GO ON TOGETHER WITH SUSPICIOUS MINDS

Dozens of femocrats and men supportive of feminism work directly as gender specialists in the Department of Justice; dozens others are highly knowledgeable on issues of women's equality and women and the law, and apply this knowledge daily in their work to the fullest extent possible given the institutional constraints described earlier. This critical mass of feminist knowledge and support is unprecedented in the department, and could be much more effectively used by feminist lobbies to advance women's equality interests.

To this author, the fall 1997 consultation was particularly disappointing in that members of the coalition on violence against women seemed to totally dismiss the work and expertise of femocrats in positions to facilitate the development of policies and laws advocated by the coalition. If the coalition was seeking to undermine the credibility of Justice femocrats with their Justice colleagues — and the minister herself —, their strategy was excellent.[32]

It is argued here that the women's equality agenda would probably be more effectively moved forward were lobbyists' strategies to include a consideration of the parameters necessary for greater collaboration with femocrats on specific issues, including consideration of the impact of their statements on equality advancing dynamics (in large part dictated by the dynamics among femocrats, their peers and managers) within the government institution.

For our part, femocrats could better prepare the ground for fruitful collaboration with grassroots feminists by more fully acknowledging the authority of experience. "To date, the most persistent change-makers have always been the individuals with experiential knowledge of the harms of exclusion."[33] Although most women are familiar with or experience sex-based exclusion in one way or another, it is disingenuous for femocrats not to recognize our relative class privilege. We can challenge ourselves to maintain transparency and openness in our communications with other feminists; and we can find ways to yield the terrain where issues are named to the women who live those issues daily.

In short, in the pursuit of women's equality, feminists on both sides of the great state divide could *listen* better to each other. More potential for narrowing the gap between government rhetoric and practice regarding women's equality rests with the collaboration of grassroots feminists and femocrats, than with the isolated efforts of either.

ENDNOTES

[1] The views expressed herein are strictly those of the author and do not reflect the position of the Department of Justice Canada, or other departments or agencies of federal, provincial or territorial governments in Canada.

[2] Thank you to Chantal Bernier, Lorri Biesenthal, Lawrence Buhagiar, Gilbert Lee, Henry Mink and Doug Williams.

[3] Ann Scales, "The Women's Peace Movement and Law," 12, cited in Sherene Razack, *Canadian Feminism and the Law, the Women's Legal Education and Action Fund and the Pursuit of Equality* (Toronto, Second Story Press, 1991), p. 137.

[4] The annual consultation was initiated by then Minister of Justice Allan Rock, and continued by the current Minister Anne McLellan in the first year of her mandate in 1997.

[5] Kate McLaren and Magda Seydegart, *Engendering Justice: Report of the Organizational Planning Study on Substantive Gender Equality Work in the Department of Justice* (Ottawa: Department of Justice, 1995), p. 1.

[6] The "rape shield" refers to the provisions in the *Criminal Code* that prevented counsel for accused rapists from introducing a complainant's past sexual history as evidence; in August 1991, the Supreme Court of Canada upheld an earlier decision by the Ontario Court of Appeal that the "rape shield" violated the right of an accused to a fair trial.

[7] Bill C-49 "defined the legal parameters for determining the admissibility of a victim's past sexual history as evidence in sexual assault trials. It also provided a definition of the concept of consent as it applies to sexual assault. Finally, it restricted the defence of mistaken belief in consent as it concerns sexual assault offences." Colin Meredith, Renate Mohr and Rosemary Cairns Way, *Implementation Review of Bill C-49*, (Ottawa: Department of Justice, 1997), p. 2.

[8] Once past sexual history could no longer be introduced in sexual assault cases, defence proceeded to access a wide range of personal records, including counselling and therapeutic records, as part of the strategy to undermine the credibility of the complainant. Bill C-46 sets out procedures governing the determination of an application for production of third party records, providing for considerations of, and safeguards for, the protection of complainants' privacy interests.

[9] Mary Ellen Donnan provides this explanation: "The term 'femocrat' was coined in Australia to describe women who worked in the bureaucracy to press for feminist goals. There was originally a disparaging connotation (about being coopted) to the term but it is now used in a more descriptive manner... the femocrat strategy 'involved a deliberate process of consultation with the women's movement and attempts to avoid the integration of bureaucratic values'." unpublished M.A. thesis, *State Feminism and Representation Non Geographic Difference: A Case Study of the Canadian Advisory Council on the Status of Women (Child Services Recommendations)* p. 90.

[10] Linda Geller-Schwartz, "An Array of Agencies: Feminism and State Institutions in Canada,"

in Dorothy McBride Stetson and Amy G. Mazur, eds., *Comparative State Feminism*, (London: Sage, 1995), p. 50.

[11] The Privy Council Office is the government "department" serving the prime minister and cabinet.

[12] Without a department because of fears that concentrating all responsibility for women's issues in one department would ghettoize women and their needs.

[13] Status of Women Canada, "Canada's national machinery for the advancement of women," Ottawa, 1993, p. 5.

[14] Mary Ellen Donnan, p. 22.

[15] Status of Women, 1993, p. 4, quoted in Geller-Schwartz, p. 47.

[16] Geller-Schwartz, p. 46.

[17] Justice Canada, *Policy of the Department of Justice on Gender Equality Analysis*, p. 1.

[18] Geller-Schwartz, p. 50.

[19] CACSW itself was dissolved in 1994 by a Liberal government, a number of its functions, including an independent policy research fund, transferred to Status of Women Canada.

[20] Geller-Schwartz., p. 52.

[21] Fiscal policies or limitations continue to undermine the credibility of government discourse on the importance of women's equality, e.g. "The message governments are trying to convey with their rhetoric is that, of course they care about women and violence but, given the deficit and the need for economic restructuring they simply can't any longer afford to fund women's groups in the way they used to." Jan Barnsley, "Co-operation or Co-optation, The Partnership Trend of the Nineties," in *Listening to the Thunder, Advocates Talk About the Battered Women's Movement*, (Vancouver: Women's Research Centre, 1995), p. 200.

[22] Currently, the agencies of women's policy machinery in the federal government include Status of Women Canada, the Women's Bureau at Human Resources Development Canada (Labour Canada is now defunct), the Women's Health Bureau at Health Canada (established 1993), the Women In Development and Gender Equity Programme of the Canadian International Development Agency (established 1984), and the Office of the Senior Advisor on Gender Equality at the Department of Justice (established 1996).

[23] "Formal Equality" refers to same treatment approaches to equality; by comparison, the concept of "Substantive Equality" focuses on outcome and accepts that to reach equality some may require different treatment from others.

[24] Justice, *Policy on GEA*, p. i.

[25] J. Pettman, *Living in the Margins: Racism, Sexism and Feminism in Australia*, (Sydney: Allen & Unwin, 1991), p. 101-102, quoted in Donnan, , p. 90.

[26] Strictly speaking, this is not a predicament affecting public sector feminists alone, but all feminists of privilege. From example, Sherene Razak refers to a comment by one of the women lawyers and other professional women who spearheaded the lobby for section 28 of the *Charter of Rights and* Freedoms and subsequently founded the Women's Legal Education and Action Fund (LEAF) in Canada in the early 1980s: "Most of us women fit neither into the more radical women's community nor do we fit in these (traditional, patriarchal) institutions... You have got to be able to function within that system because you're trying to make it work without betraying the grass roots." Sherene Razak, p. 45.

[27] Geller-Schwartz, *Comparative State Feminism*, p. 45.

Barnsley, p. 201.

[29] David Schneiderman & Kate Sutherland, "Introduction," in *Charting the Consequences: the Impact of Charter Rights on Canadian Law & Politics*, (Toronto: University of Toronto Press, 1997), p. xiii.

[30] Colleen Sheppard, "Equality Rights and Institutional Change," in the *Arizona Journal of International and Comparative Law*, Vol. 15, No. 1, 1998, p. 152.

[31] Kathleen A. Lahey, "The Impact of the Canadian Charter of Rights and Freedoms on Income Tax Law and Policy" in *Charting the Consequences*. Lahey writes, for example, "Despite assertions in cases such as *Andrews v. Law Society of British Columbia* that equality must be given a substantive meaning, courts at every level — including the Supreme Court itself — have found ways to uphold provisions in the Income Tax Act that allocate tax liability on the basis of factors such as sex, age, ability, or marital status, usually 'reframing' these distinctions so as to base them not on personal characteristics but on differing income levels." p. 110.

[32] Granted, it is not likely that femocrat credibility inside Justice was a primary concern of members of the coalition. The coalition was, naturally, focused on conveying to the minister in a short period of time the need for action on many critical areas where the justice system fails women, particularly poor and multiply disadvantaged women.

[33] Sheppard, p. 167.

THE INFLUENCE OF THE MOTHER'S OCCUPATIONAL SEX-TYPING AND STATUS ON MEN AND WOMEN'S FIRST OCCUPATIONAL STATUS

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ABSTRACT

How does the mother's status background, independent from the father's, influence the occupational status of her children at their first job? We presume that beside job status the occupational sex-typing of the mother exerts an additional impact in the process of intergenerational status transfer. The results show in a comparison between two cohorts, that for females the influence of the mother's occupational status increases, whereas for males it decreases; simultaneously for all respondents the total effect of both of their parents decreases. The 'same-sex' role model experienced at home significantly influences both, the female and male occupational status in the older cohort; within the younger cohort only females are affected anymore. We conclude, that nowadays females are more receptive toward parental role standards set at home than males are, and that female occupational status at first entry into the labor market partly depends on the role model experienced at home.

INTRODUCTION

Before Acker claimed that research in social stratification was subjected to what she called a case of "intellectual sexism", we rarely find any investigations into the influence of the mother on the process of status attainment (Acker 1973). Since then many researchers have generated interest to theoretically conceptualize and include the socioeconomic status of both parents into the research on social inequality (e.g., Tyree & Treas 1974, McClendon 1976, Sørensen 1994, Aschaffenburg 1995). Here we investigate how in relation to the father maternal occupational traits influence the respondent's first occupational status after her or his formal education is completed.

Until now much of the evidence from previous research is inconclusive. Some researchers find that the mother's occupational choice has a positive influence on her daughter's but not on her son's occupational status (Rosenfeld 1978, Stevens & Boyd 1980, Khazzoom 1997). Others report to have found mainly cross-sex effect (McClendon 1976, Holland Baker 1981). None of these studies, however, considered the fact that the *distribution* of females occupational status on the occupational status scale is quite different from males (Siegers 1980, Mooney Marini 1980) and that this might present one of the reasons for the so far contradicting results. Females are found more often in low and intermediary status positions and in highly segregated jobs, while males distribute normally over the whole of the occupational status scale. 'Typical female' job skills — such as communication and social skills — are of a low value in official job assessment procedures, whereas male job skills are frequently valued higher (Veldman 1991). As job segregation and occupational status apparently are connected, we expect that the inclusion of occupational sex-typing into the analysis of occupational status adds to our understanding of how social status is transferred from one generation to the other.

We want to find an answer to the question whether the limitation of males and females to work in sex-typed jobs leads to a transformation of status in the next generation and whether the influence of the mother's job status over time increases, decreases or remains stable. In this paper we concentrate on the first occupation of the respondent. The advantages of this approach are that effects for males and females are fully comparable because the majority of the respondents will have held at least one occupation in life after finishing their formal education.

In the following section we will briefly discuss the theory underlying our hypotheses. Next we will shortly introduce our data and variables used to test our hypotheses, and afterwards describe the outcomes obtained. In the last section we discuss our results and draw our conclusions.

HYPOTHESES

We derive some of our theory from the women's liberation and from the overall trend toward individualization and some from the role model. We find reason to believe that the influence of maternal status in relation to that of the father may be increasing. The decline in patrialism and the change of the female role, as an increasing number of women start to enter the economic mainstream, has tipped the authority and power relations within the family away from the father and toward the mother (Lopata 1994). Also, individual achievements are becoming increasingly significant for individual occupational attainment, as has been shown by earlier empirical research (e.g., De Graaf & Luijkx 1992). These developments lead us to formulate the following hypotheses:

1. In relation to the father's, the mother's occupational status will increase its impact on the offspring's status attainment, but over time the total parental effect will decrease and simultaneously the influence of the individual's own education on her or his own occupation will increase.

Until now explaining why females so often choose a gender-segregated occupation, in spite of the low wages and status that go along with it remains difficult. According to the role model it may be the case that children follow their same-sex parent's example to choose either a "typi-

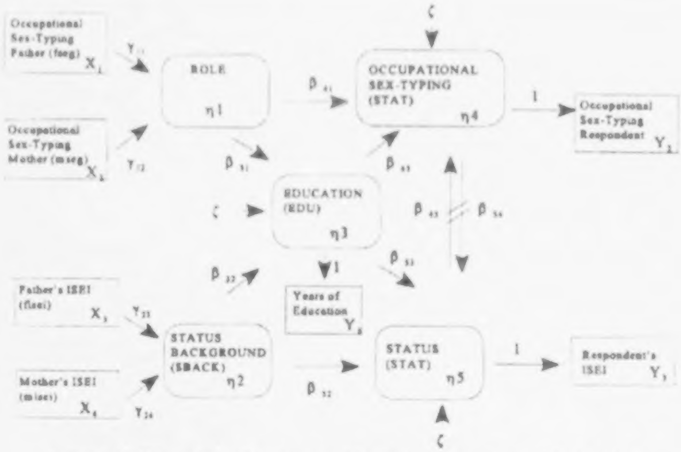

Figure 1 LISREL model for the estimation of the effects of parental status and role on the occupational attainment and sex-typing of the job of the respondent

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cally female" or "typically male" occupation. We assume that the child can expect more social approval for doing well in an occupation in which the same-sex parent has worked. Therefore we hold that,

2. The extend to which the same-sex parent's job is sex-typed is closely linked to sex-typing of the individual's occupation.

Additionally to parental job status we expect parental job segregation to influence the status of the job of the offspring. Presumably this will hold stronger for females than for males, because we can expect the negative relationship between occupational status and occupational sex-typing to be more significant for women than for men. The negative consequences of job segregation inflict mainly on women, because the jobs with a high female sex-typing tend to lay at the lower end of the status scale, whereas jobs with high male sex-typing are situated on the very low as well as on the very high end of the occupational status scale. Therefore, we imply:

3. The sex-typing of the mother's occupation will affect female occupational status more negatively than male job status.

DATA AND METHODS

All three surveys, the *Households in the Netherlands 1995*, the *Netherlands Family Survey 1992-1993* and the *Social Inequalities in the Netherlands 1996*, contained retrospective interviews on occupational careers for both male and female respondents. After selecting all respondents with a valid entry on their first job, 3168 cases remained of which 1613 were women and 1555 were men. We examined the extend to which the respondent's occupational status and sex-typing of the first job after finishing school depended on the status and sex-typing of the job of the mother, thereby controlling for the father's traits. Two variables were simultaneously dependent, the respondent's occupational status, coded by the *International Socio-economic Index of Occupational Status* (Ganzeboom & Treiman 1996) and the occupational sex-typing. The latter was calculated from the unweighted *Enquête Beroepsbevolking* of 1991 (CBS EBB, 1991). Both, for women and for men, the value of 1 meant that the respondent was working in an completely same-sex typed occupation.

The mother and father's occupational status and segregational score was measured in the same way as the respondent's and represented the independent variables in the equation; furthermore we used a measure of a per-year-proxy to analyze effects of the formal education of the respondent.[1] The analyses were carried out with two cohorts, the first cohort consisted of respondents who were born between 1915 and 1956 and the second cohort represented respondents born between 1957 and

Table 1. **Means and standard deviation of education, occupational status and occupational sex-typing, split by cohort.**

	Means and standard deviation					
	Education		Occupational Sex-Typing		Occupational Status	
	Daughters	Sons	Daughters	Sons	Daughters	Sons
Respondents Born between 1915-1956	11.58 (2.93)	12.41 (3.22)	0.70 (0.23)	0.72 (027)	0.52 (0.17)	0.52 (0.18)
Respondents Born between 1957-1978	12.38 (2.99)	12.72 (2.69)	0.68 (0.22)	0.71 (0.28)	0.52 (0.15)	0.50 (0.17)
Fathers Old Cohort	9.04 (3.22)		0.80 (0.22)		0.50 (0.18)	
Fathers Young Cohort	10.25 (3.19)		0.80 (0.22)		0.53 (0.18)	
Mothers Old Cohort	8.30 (2.84)		0.73 (0.25)		0.41 (0.17)	
Mothers Young Cohort	9.55 (2.64)		0.71 (0.25)		0.46 (0.17)	

Source: Netherlands Family Survey 1992-1993; Households in the Netherlands 1995; Social Inequality in the Netherlands 1996; Enquête Beroepsbevolking (CBS) 1991.

Table 2. **Estimations for the structural parameters of the LISREL model.**

	Females		Males	
	Cohort 1	Cohort 2	Cohort 1	Cohort 1
â$^{(*)}_{11}$ (fseg->ROLE)	-0.092	-0.567	-0.439	0.993
â$^{(*)}_{12}$ (mseg->ROLE)	0.998	0.814	0.915	0.096
â$^{(*)}_{23}$ (fsei->SBACK)	0.601	0.582	0.709	0.823
â$^{(*)}_{24}$ (msei->SBACK)	0.564	0.601	0.436	0.333
â$_{31}$ (ROLE->EDU)	0.071	0.057 *)	0.123	-0.031 *)
â$_{32}$ (SBACK->EDU)	0.423	0.259	0.392	0.318
â$_{41}$ (ROLE->RSEG)	0.071	0.085	-0.022 *)	0.082 *)
â$_{43}$ (EDU->RSEG)	-0.116	-0.047 *)	-0.129	0.042 *)
â$_{52}$ (SBACK->STAT)	0.212	0.132	0.255	0.148
â$_{53}$ (EDU->STAT)	0.412	0.259	0.486	0.435
â$_{54}$=â$_{45}$ (RSEG=STAT)	-0.109	-0.137	-0.056	0.017 *)
ì^2	2.229	2.228	12.468	14.644
df	6	6	6	6
N	745	868	847	707

*) Not significantly different from zero

Source: Netherlands Family Survey 1992-1993; Households in the Netherlands 1995; Social Inequality in the Netherlands 1996; Enquête Beroepsbevolking (CBS) 1991.

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Table 3. **Parameter value differences between females, males and the two cohorts.**

Model	χ^2	df.	$\Delta\chi^2$
Females Cohort 1 without β_{54}	38.794	7	
Females Cohort 1with β_{54}	2.229	6	36.565
Females Cohort 2 without β_{54}	67.555	7	
Females Cohort 2 1with β_{54}	2.228	6	65.327
Males Cohort 1 without β_{54} 1	24.081	7	
Males Cohort 1 with β_{54}	12.468	6	11.613
Males Cohort 2 without β_{54}	15.526	7	
Males Cohort 2 with β_{54}	14.644	6	0.882

Source: Netherlands Family Survey 1992-1993; Households in the Netherlands 1995; Social Inequality in the Netherlands 1996; Enquête Beroepsbevolking (CBS) 1991.

Table 4. **Parameter value differences of β_{31} and β_{32} with and without the relationship of parental and respondent's occupational sex-typing.**

Model	β_{31} (EDU->STAT)	β_{32} (SBACK->STAT)	df.	χ^2
Females Cohort 1 without $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.431	0.214	9	64.575
Females Cohort 1 with $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.412	0.212	6	2.229
Females Cohort 2 without $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.214	0.140	9	77.270
Females Cohort 2 with $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.259	0.132	6	2.228
Males Cohort 1 without $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.494	0.258	9	55.532
Males Cohort 1 with $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.486	0.255	6	12.468
Males Cohort 2 without $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.435	0.146	9	16.741
Males Cohort 2 with $\beta_{51}, \beta_{41}, \beta_{54}, \beta_{45}$	0.435	0.148	6	14.644

Source: Netherlands Family Survey 1992-1993; Households in the Netherlands 1995; Social Inequality in the Netherlands 1996; Enquête Beroepsbevolking (CBS) 1991.

1978. This division was chosen, because in the Netherlands in 1968 a large alteration in the education system took place, the so-called *mammoet-wet* was introduced, a law that changed the educational system concerning mainly the student's transitional possibilities within the educational institutions (Dodde 1993). The law increased the entry possibilities for students into higher education, and will probably have accentuated effects of individual attainment, as mentioned in hypothesis one.

RESULTS

Mothers had fewer years of education, on the average between eight and nine years than their daughters, for whom we found an average of 12 years of education (see table one). Between females and males the difference of years of formal schooling decreased to around six months (0.5 years) from one cohort to the next. Mothers of the older cohort worked in jobs with an average of 73% females working in their occupation, whereas for the youngest cohort this percentage decreased to 71%. We also observed a steadily increase of occupational status for males and females, not only regarding the respondents but also the parents. The only exception to this rule was the youngest generation of male respondents for which we observed a slight decrease of occupational status at first entry into the labor market.

Next, we investigated whether the mother's occupational sex-typing influenced the respondent's occupational sex-typing positively and if so, whether in turn her and the respondent's sex-typing of job influenced the respondent's occupational status. For this purpose we employed a LISREL model, which is displayed in figure 1. Both parent's occupational sex-typing together represented the 'role model' at home, both parents' job status together represented the overall parental status background of the respondent. These two factors influenced not only the education of the respondent but also her or his job status and occupational sex-typing. Further down we will see the magnitude of additional explanatory power gained by introducing parental occupational sex-typing into the model.

First, however, let us look at the structural parameters of the LISREL model in table 2. Several interesting results can be noted. While the overall fit of the model for the male respondents of the old and young cohort was seemingly moderate, the model fit for females was very good. We observed that the mother's influence on the role model decreased for men and women from one generation to the next. The role model experienced at home positively influenced the education of females of both cohorts, for males their influence was not different significantly from zero. The respondent's own education had a negative influence on her or his choice toward a sex-typed occupation in the older cohort of both, males and females. This effect was no longer significant in the younger cohort for any sex. More important, though, we found that the parents' role at home significantly influenced women of both cohorts positively, the effect becoming more accentuated in the younger cohort, whereas men remained unaffected.

As can be seen in table 3, the excellent fit of the latter model was heavily due to the introduction of the mutual relation between the job segregation and the occupational status of the female respondents. For males and especially for the younger cohort of males, this did not hold. For the latter the decrease of 2 after introducing the relationship between the job status and segregation was not significant.

One question had yet to be answered. If we introduced occupational sex-segregation into the model would the coefficients of parental status or own education on the respondent's occupational status alter their magnitude? Does an overestimation of parental status transfer on occupational status take place if we would leave away the respondent's and the parental occupational sex-typing? In table 4, for the older cohorts of both, males and females, we observed an *increased* influence of parental status and own education on occupational status when leaving out pathways to occupational sex-typing. For the younger cohorts results were less straightforward. The coefficients in the model for men of the younger cohort did not change significantly. For females of the younger cohort, however, the effects of own education and parental status *decreased* if occupational sex-typing and parental role were excluded from the model. Therefore, the influence of parental status and education was overestimated if occupational sex-typing is left out within the model of the older cohorts, whereas for the younger cohort of female respondents the magnitude of the influence of education and parental status were underestimate. For males of the younger generation we observed hardly any alterations in the magnitude of the coefficients, indicating that the inclusion of occupational sex-typing had no significant effect on this group.

CONCLUSIONS AND DISCUSSION

Initially we asked what the influence of the mother be on the process of stratification, how it changes over time, and whether the sex-typing of her job offers additional explanatory power in the investigation of maternal intergenerational status transfer. The influence of maternal status increases, in relation to the father, sex-specific, that is for females and not for males. From this we conclude that the mother exerts an influence independent from that of the father. However, as predicted, the influence of parental status altogether decreases from one cohort to the next, confirming findings of De Graaf and Luijkx (1992) and supporting the individualization theory insofar as that parental background is becoming less important in comparison to own achievement. We also see, though, that the influence of the respondent's own education on their occupational status is decreasing, within the two of the cohorts. It may be an indication that during an economic recession, which in the Netherlands was experienced at the end of the seventies until the mid eighties, individual payoffs of education at first entry into the labor market can temporarily diminish.

Furthermore we see that for females, status transfer and own occupational status is manipulated by the role model via their mother's and their own occupational sex-typing. The role model experienced at home is important for predicting whether or not a woman later chooses a low status occupation. Men to this regard are not significantly influenced. The mutual influence of occupational sex-typing on occupational status increases the explanatory power of occupational status for women but not for men, indicating that status and sex-typing of the job are becoming more connected for women and less for men. We conclude that females altogether are more receptive for the examples set by their parents, especially their mothers, than males are — to the point, that their status at first entry into the labor market is dependent on the role model they experienced at home. However, as we were able to see from the older cohorts, a better education makes it less likely that people choose a completely sex-typed occupation, therefore, improving the educational attainment is highly desirable, especially for females, as their occupational status and sex-typing continue to be linked to each other.

ENDNOTES

1 We renounced from giving a detailed description of the variables here in order to leave more room for our discussion at the end. Additional information will be supplied from the first author on request.

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BACKGROUND PRECURSORS OF LOW WAGES*

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INTRODUCTION

In August 1996, Congress passed and Clinton signed new welfare legislation which severely limits the time families can receive welfare. Welfare recipients can receive welfare for no more than five years in their lifetimes and for no more than 24 consecutive months. The new federal welfare legislation clearly restricts the time children will spend in welfare dependent families, but in the short run, will likely decrease children's access to economic resources. According to Primus (1995), this welfare legislation will push 1.1 million additional children into poverty. Edelman (1997) predicts that over 8 million low-income families with children, many of them working families affected by food-stamp cuts, will lose income under the new legislation.

It is open question whether reducing childhood welfare dependency and increasing child poverty will improve or worsen children's economic futures. Rector (1995:4c) argues that the advantages of reducing children's exposure to "welfare toxins" far outweigh the disadvantages of increasing children's poverty, claiming "it is the welfare environment, not low income, that puts young children at disadvantage in life". Danziger, Danziger, and Stern (1997) and Wilson (1987, 1996) contend that a lack of job opportunities and the lack of economic and environmental resources, not "welfare toxins" are reasons poor children remain poor as adults. Current research does not allow us to choose between these competing hypotheses. (See, for instance, Corcoran 1995 and Brooks-Gunn and Duncan, 1997).

In this paper we use 25 years of data on parents and children to test four alternative models of background causes of low wages: the "economic resources" model, the "parental non-economic resources" model, Wilson's structural/environmental model, and the "welfare trap" model. This paper is in five parts. We begin by reviewing each model and its policy implications. Based on this review, we identify six factors: childhood poverty, parental non-economic disadvantages, neighborhood disadvantages, contemporary labor market conditions, parental welfare use, and contemporary welfare incentives which are predicted to inhibit children's intergenerational economic mobility. We then show that past empirical research studies on the intergenerational economic consequences of childhood poverty and welfare have reached inconsistent conclusions, likely because most past studies omit one or more of these six factors. We next describe the dataset, sample, variables and research methodology used in these analyses. Our research provides a fuller test of competing models than does past research because we include measures of all six factors thought to be important in accounting for intergenerational inequalities and because we examine both men and women. In section 4, we present analysis results. We conclude by summarizing the findings and outlining their policy implications.

THEORETICAL MODELS

The first and simplest explanation of intergenerational inequality is the economic resources model which emphasizes the lack of material resources. Because poor families are constantly struggling for survival, they must devote all or most of their resources to consumption and have little money, time or energy left over to devote to developing children's human capital or to supervising children, and they are less connected to job networks (Becker 1981; Corcoran 1995, 1997; Wilson 1987, 1996, Haveman and Wolfe 1994, 1996).

If childhood poverty were a major cause of adult poverty, then the new time limits on welfare will actually worsen children's economic futures unless time limits are accompanied by programs that enable former recipients to replace lost welfare income. This could be done by directly subsidizing the incomes of poor working parents (e.g. The Earned Income Tax Credit), by defraying the costs of leaving welfare and going to work (e.g., a refundable child care tax credit, subsidized day care, subsidized health insurance), by helping ex-recipients to get and keep jobs, and by directly targeting resources and services to poor children (Head Start, mentoring programs, WIC).

The second explanation, the parental non-economic resources model, is that low income persists across generations because non-economic parental disadvantages that are associated with or cause parental poverty also affect children's adult earnings capacities. (Haveman, et al., 1991; Mayer 1997; Haveman and Wolfe 1994, 1996; Corcoran 1995, 1997). Possible non-economic disadvantages that are correlated with parental poverty include: parents' nonwork, family structure, parental schooling, parents' values. The policy implications of this model for state welfare programs depend on which childhood disadvantages lead to low adult wages. If parents who are high school drop-outs are less effective in developing their children's human capital, then policies should focus on improving school outcomes for children. If observing parents who do not work leads children to develop poor work habits, then time limits on welfare must be accompanied by programs that encourage and enable ex-recipients to work (Haveman and Wolfe, 1994, 1996; Corcoran, 1995).

The third model, the environmental/structural model, emphasizes that labor market conditions, demographic changes, economic discrimination and segregation are key causes of intergenerational poverty. Wilson's "social isolation" model is the most influential of these models. Wilson (1987, 1996) argues that long-term joblessness and poverty in urban areas stem from the loss of well-paid manufacturing jobs and the out-migration of middle class blacks from these areas. The loss of jobs has led to mismatch between ghetto residents' skills and available jobs. The out-migration of middle class blacks has weakened socialization institutions, reduced job finding networks, and reduced the number of work role models for children. While Wilson identifies four key environmental conditions: high rates of male unemployment in local labor markets, high rates of unemployed men in the community, highly concentrated poverty in the community, low proportions of middle class neighbors, he emphasizes the lack of available jobs as the most important of these conditions. This lack of jobs accounts both for the high rates of parental and neighborhood poverty in the inner cities and for the diminished economic mobility of children living there.

Wilson posits that parental poverty and low economic mobility for children both result from economic segregation and low job opportunities. One implication of Wilson's model is that time limits on AFDC should be accompanied by programs that provide jobs to poor women and provide the social services (e.g., day care, transportation) that will enable them to keep those jobs. A second implication is that policies may be needed to upgrade "socially isolated" neighborhoods, to protect children from the effects of these neighborhoods, and to move families out of them.

According to the last model, the "welfare trap" model, welfare traps recipients and their children into lives of poverty. This model has both cultural and incentive components. Mead (1986, 1992) argues that when parents use welfare heavily and work rarely or intermittently the stigma associated with welfare is diminished, a "welfare culture" develops, and parents develop self-defeating work attitudes and poor work ethics that are passed on to the children. Murray (1984) and Anderson (1979) frame the issue as one of incentives: welfare availability encourages individuals to drop out of high school, bear children out-of wedlock, and avoid work. These choices, in turn, lead to low wages in adulthood. That is, welfare offers both parents and children an economic alternative to work.

If the welfare trap model were correct, time limits make sense. By sharply reducing the amount of time individuals can receive welfare, time limits make welfare a much less attractive alternative to work (the incentive model), and the exposure of children to nonworking welfare recipients will be greatly reduced (the cultural model). Since the problem arises from welfare itself, not from a problem of job availability, time limits alone should be sufficient.

Taken together, the above models imply that six factors are important to understanding intergenerational inequality: parental poverty, parental non-economic disadvantages (particularly parental work and family structure), childhood neighborhood disadvantages, contemporary labor market conditions, parental welfare, and contemporary state welfare benefits. Sorting between the alternative models requires measures of all six factors. In addition, Mead's welfare culture model focuses mostly on low income women's work and marriage choices and implies that intergenerational mobility processes are different for girls than for boys. Testing this model requires separate analyses by sex.

EMPIRICAL LITERATURE

While it is well documented that fathers' incomes and sons' earnings are correlated and that mother's welfare use predicts daughters' teenage fertility timing and welfare use (see Corcoran 1995 for a review of this research), relatively few analysts have directly investigated how childhood poverty1 (as opposed to income) and childhood welfare dependency shape sons' and daughters' adult wages.

Table 1 summarizes and compares the past research on effects of parental poverty and parental welfare on children's adult wages and earnings. There are few studies, most studies only examine sons' outcomes, and results are inconsistent across studies. For example, two studies used the Panel Study of Income Dynamics to examine how parental welfare use affects son's hourly wages. Hill and Duncan (1987) report no consistent, significant effects of parental welfare on sons' wages, while Corcoran et al. (1992) report a large negative association between parental welfare and sons' wages. Reconciling inconsistencies such as this is difficult as most studies omit one or more of the six factors thought to influence intergenerational effects on wages.

DATASET, SAMPLE AND VARIABLES

We use the 1968 to 1992 waves of the Panel Study of Income Dynamics (PSID) to investigate background precursors of wages. The PSID has tracked the economic fortunes of about 5,000 American families since 1968. The PSID follows children as they leave home and start up their own families, and so provides contemporaneous reports of background variables by parents during childhood years and children's own contemporaneous reports of their wages. We have appended data from two other sources to the PSID: Census data about the characteristics of Census tracts or enumeration districts in which respondents resided, and measures of the welfare benefits available in the states in which respondents resided.

The wage measure, background variables, and intervening variables are listed in Table 2. The sample consists of: 1833 men and 1931

Table 1. Studies of Intergenerational Effects of Parental Poverty and Parental Welfare on Adult Wages, Incomes, and Earnings

	(1)	(2)	(3)	(4)
	Study Dataset	Population	Dependent variables	Income/poverty measures
				Family income/needs
1.	Lerman 1986 NLSY 1979-1981	970 black men Age 17-24	Earnings	none
2.	Hill and Duncan 1987 PSID 1968-1981	328 men 317 women Age 25-27	Log hourly wage	Parental labor income
3.	Corcoran et al 1992 PSID 1968-1983	Sons from 638 families Age 25-32	Log earnings Log hourly wage	Family income Percent years poor

	(5)	(6)	(7)	(8)	(9)
	Childhood Welfare Measures	Neighborhood Measures[b]	Background Measures[c]	Labor Market Measures & State Welfare Measures	Results
1.	Ever on Welfare Predicted welfare	no	6,10,12 used to instrument family welfare	no	Welfare -, sig
2	Ever on welfare Mean welfare income	no	1,2,3,4,5,6,9,20,21	Unemployment rate	Welfare: mixed, nsig parental labor income: +, sig
3	Mean welfare income	1,2,3,4 All at 1968 zip code	1,2,3,4,5,6, 9, 11,12,18	no	Welfare: +, sig, large on all outcomes Poverty: -, sig, large on all outcomes

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NLSY=National Longitudinal Survey of Youth
PSID=Panel Study of Income Dynamics

[b] The list of neighborhood variables include: 3=percent men unemployed, 5=percent teachers with advanced degrees, 6=40%+ of families are headed by a woman, 7=40%+ of youths are high school dropouts, 8=40%+ of workers are managers or professionals, 9=percent poor, 10=percent with incomes >15K

[c] The list of background variables include: 1=race, 2=father ed, 3=mother ed, 4=religion, 5=region, 6=city size, 7=parental attitudes, 8=parents test scores, 9=# of siblings, 10=family size, 11=family needs, 12=family structure measure, 13=whether lived in public housing, 14=average hours/year with parents, 15=# of moves, 16=head disabled, 17=years head unemployed, 18=parental work hours, 19=Duncan score of fathers occupation, 20=parental labor income, 21=family asset income

Table 1. (continued) Studies of Intergenerational Effects of Parental Poverty and Parental Welfare on Adult Wages, Incomes and Earnings

	(1)	(2)	(3)	(4)
	Study Dataset [a]	Population	Dependent variables	Income/poverty measures
4.	Mayer (1997) PSID 1968-1989	Men observed between ages 13 and 29 553 -933 men Age 25+		Log (family income)
5.	Corcoran and Adams (1997) PSID 1968-1988	793 white men 565 black men 825 white women 735 black women Age 25-35	Log (income/needs)	Income/needs dummies (0-1, 1-2, 2-3, 3+)
6.	Hauser and Sweeney (1996) WLS 1957-1993	8496 Wisconsin high school graduates Age 51-54	Log (income/needs)	Income/needs dummies (0-1, 1-2, 2-3, 3+)

	(5)	(6)	(7)	(8)	(9)
	Childhood Welfare Measures	Neighborhood Measures	Background Measures [c]	Labor Market Measures & State Welfare Measures	Results
4	no	no	1,2,3,6,14,26	County unemployment rate	+, sig, moderate on hourly wage
5	Welfare income/family income	3, 9, 10	2,3,4,5,6,10,12,16,18	Male unemployment rate Female unemployment rate AFDC/FS guarantee Whether AFDC-U	Welfare: -, sig for blacks; insig for whites Poverty: +, sig, large
6	no	no	2,3,9,12,19,21,22,23,24	no	Poverty: -, insig on log income, +, insig on whether poor

[a]LSY=National Longitudinal Survey of Youth
PSID=Panel Study of Income Dynamics
WLS = Wisconsin=s Longitudinal Study of High School graduates

[c] The list of background variables include: 1=race, 2=fathered, 3=mothered, 4=family income, 5=family income/needs, 6=log family income, 7=poverty, 8=religion, 9=region, 10=city size, 11=parental attitudes, 12=parents= test scores, 13=# of siblings, 14=family size, 15=family needs, 16=family structure measure, 17=whether lived in public housing, 18=average hours/year with parents, 19=# of moves, 20=head disabled, 21=years head unemployed, 22=parental work hours, 23=Duncan score of fathers= occupation, 24=parental labor income, 25=family asset income, 26=parents= age at birth of child

women ages 1-15 years in 1968. By 1992 these individuals would be 25-39 years of age. To be included, a respondent had to be observed at least three years as a child before age 17 and to have been observed in his or her own adult household (as a head or wife) for at least one year after age 24. Respondents also have to have worked at least one year after age 24[2]. We require 3 or more years of data on childhood measures because Solon (1992) shows that parental income should be computed over at least 3 years to accurately estimate intergenerational income effects. We measure adult outcomes after age 24, because most respondents have left home and finished schooling by age 25. The outcome measure, average hourly wage, is the wage averaged over all the years in which respondent worked after age 24 years. The wage is measured in 1991 dollars.

As Table 2 indicates, we include measures of all six factors identified as potential sources of intergenerational poverty and welfare effects. Family economic resources are measured by the ratio of the sum of family income plus Food Stamps to the Census poverty line. A family is poor when this ratio is less than 1. Parental non-economic resource measures include: whether mother graduated from high school, whether ever lived in a female headed family, and mean annual work hours of head. Parental welfare is defined as the proportion of income that comes from AFDC, other welfare, SSI, and Food Stamps in order to measure family dependence on welfare for income. We also include controls for race and region. Family variables are averaged over all the years a respondent is observed before age 17, providing 3 to 17 years of data on parental income and on parental non-economic resources.

We merged the standard AFDC/FS benefit for a family of three onto PSID records for the states respondents lived in from 1968 to 1992. We averaged these measures over the years respondents reported wages after age 24 to obtain a measure of the state welfare benefits facing the child when he/she is an adult. This state benefit measure is used to test the welfare incentive model.

According to Wilson's model, four environmental disadvantages: poverty concentration, the absence of middle class neighbors, high numbers of unemployed men in the community, and the availability of jobs in local labor markets are key determinants of poor children's economic futures. We measure local labor market demand facing the child as an adult by taking the average of the unemployment rates in the counties in which the respondent resided in over the years he/she was observed after age 24. Neighborhood measures were constructed by matching a respondent's address to the smallest 1970 or 1980 Census geographical unit available for the address. For most cases, this was the Census tract or enumeration district; in some cases the minor civil division was used. We measure poverty concentration by percent poor, middle class presence by the percent families with incomes greater than $15,000 in 1970 ($30,000 in 1980), and male joblessness by the percent unemployed men. These three neighborhood measures, like the welfare and family variables, are averaged over all years a child is observed before age 17.

We constructed four intervening variables—years of schooling, years worked since age 18, whether experienced a teenage birth (women only), and whether had an out-of-wedlock birth (women only). These first two are

Table 2. Means and Proportions On Wage, Background and Interviewing Measures

	All	Black Men	White Men	Black Women	White Women
Hourly Wage	10 72	9.08	12 62	7.79	9 63
Family Background					
Income Needs (Y/N)					
0 = Y/N < 1 (poor)	09	41	04	40	03
1 = Y/N < 2 (low income)	23	32	23	32	21
2 = Y/N < 3 (average)	28	18	27	17	20
Y/N = 3 (above average)	40	09	46	11	46
Whether Mother H S Grad	63	33	71	26	67
Ever lived with female head	15	38	10	38	11
Mean work hours of head (1,000 hours/year)	2075	1502	2163	1454	2205
Proportion income from welfare	05	19	02	19	.02
Neighborhood Measures					
% persons who are poor	13	27	11	27	11
% persons who have incomes > 15 K	23	11	24	12	25
% men unemployed	5	7	4	6	4
Intervening Measures					
Highest grade	13 21	12 48	13 37	12 62	13 30
Work experience	11 44	9 57	12 39	9 53	11 19
Had teen birth				32	.07
Had out-of-wedlock birth				54	11

included to test whether being raised in poverty, on welfare, and/or in disadvantaged neighborhoods affect children's adult wages by discouraging or preventing early investments in human capital. The last two are included to test the welfare trap predictions that parental welfare use and welfare incentives encourage teenage births and out-of-wedlock births, and that these, in turn, lead to poor labor market outcomes.

ESTIMATION

Equation 1 relates a child's adult wage to childhood poverty, childhood non-economic resources, childhood parental welfare, neighborhood characteristics and to the state welfare benefits and labor market conditions facing the child when he/she is an adult.

(1) $Y_i \; a\_ + \phi\_'Pov_i + \lambda\_'X_i + \delta\_'W_i + \theta\_'SW_i + \beta\_'N_i + \gamma\_'LM_i + \epsilon_i$

where
Y = adult wage
Pov = parental poverty
X = measures of parental non-economic resources
W = parental welfare
SW = measures of state welfare benefits facing the child as an adult
N = neighborhood measures
LM = measures of labor market conditions facing the child as an adult

We test the four explanations of intergenerational inequalities by first estimating the above equation. Equations are estimated separately for men and women. We then re-estimate equation 1 after adding measures of two intervening human capital variables: education and work experience. As a last step, we add measures of teen births and out-of-wedlock births to the women's regressions. (1)

VARIABLE MEANS

Table 2 reports the mean values by race and sex for the variables used in these analyses. White men ear considerably more than do African-American men, white women, and African American women. These wage differences are larger than those in the Census or CPS. One reason is that because we average wages over all the years a respondent works after age 24, we have wage observations for many women and African-American men who would be not observed working in a single year. The means reported here suggest that single year wage measures may understate the wage advantages of white men.

Whites grow up in more advantaged families and more advantaged neighborhoods than do African-Americans. Two in five African-American children were raised in poor families; less than one in thirty white children were raised in poor families. About thirty percent of African-American children's mothers had completed high school; about seventy percent of white children's mothers had completed high school. African-Americans were over than three times more likely than whites to have lived in a female-headed household as a child. The average African-American grew up in a neighborhood where 25 percent of residents were poor and only 13 to 14 percent of households were affluent (income > 15K). The average white grew up in a neighborhood where 10 to 11 percent of residents were poor and 24 to 26 percent of households were affluent.

Race differences on schooling are relatively small compared to race differences in background characteristics. African-Americans obtain .6 to .9 more years of schooling than do whites. Race differences in work experience, however, are quite large. African-American men had averaged 9.6 years of work since age 18, while white men had averaged 12.4 years of work. African-American women had averaged 9.5 years of work, while white women had averaged 11.2 years of work. Race differences on age and marital status at first birth were also large. Thirty-one percent of African-American women had had a teen birth, and over fifty percent had had an out-of-wedlock birth. The comparable percentages for white women were seven percent and eleven percent.

RESULTS

Table 3 reports results when we estimate wages as a function of family and neighborhood background separately for men and women. The columns marked "1" report results when we estimate equation (1) ie, when we estimate the natural log of wages as a function of background, contemporary welfare benefits, and contemporary labor market conditions. The columns marked "2" report results when we add measures of schooling and work experience to these regressions to test if background disadvantages reduce children's adult wages by discouraging or preventing early investments in human capital. The column marked "3" reports results when measures of teen births and out-of-wedlock births are added to the women's regression to test if background disadvantages reduce women's future wages by affecting their fertility decisions.

Which family background variables predict adult wages? The parental poverty measure has a large, negative coefficient in every regression. Children raised in middle income families have wages that are 15 to 16 percent higher than the wages of boys and girls raised in poor families, even after controlling for race, parental non-economic characteristics, childhood neighborhood characteristics, contempo-

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Table 3. Regressions of Log Wages

	Women			Men	
Family Background	(1)	(2)	(3)	(1)	(2)
Income/Needs (Y/N)					
0 = Y/N < 1 (poor)	-.153* (.050)	-.112* (.027)	-.103* (.045)	-.148* (.051)	-.134* (.048)
1 = Y/N < 2 (low income)	-.055 (.036)	-.017 (.032)	-.009 (.032)	-.050 (.036)	-.037 (.034)
2 = Y/N < 3 (average)	---	---	---	---	---
Y/N = 3 (above average)	.106* (.037)	.050 (.033)	.047 (.067)	.059 (.037)	.009 (.035)
Whether African-American	.051 (.034)	.054+ (.030)	.067* (.032)	-.067+ (.035)	-.042 (.033)
Whether Mother H.S. Grad	.129* (.029)	.033 (.046)	.032 (.028)	.035 (.029)	-.029 (.027)
Ever lived with female head	-.008 (.030)	.036 (.026)	.041 (.026)	-.025 (.031)	.005 (.029)
Mean work hours of head (1,000 hours/year)	.000 (.000)	.000 (.000)	.000 (.000)	.000 (.000)	.000 (.000)
Proportion income from welfare	-.028 (.087)	.053 (.078)	.068 (.078)	-.230* (.089)	-.131 (.084)
Neighborhood Measures					
% persons who are poor	.001 (.001)	.001 (.001)	.001 (.001)	-.003+ (.002)	-.005* (.001)
% persons who have incomes > 15 K	.007* (.001)	.006* (.001)	.006* (.001)	.004* (.001)	.003* (.001)
% men unemployed	.003 (.004)	.012* (.004)	.012* (.004)	-.007+ (.005)	.001 (.004)
Regional Measures					
Proportion/years lived in Midwest	---	---	---	---	---
Proportion/years lived in Northeast	.157* (.038)	.120* (.038)	.118* (.034)	.147* (.039)	.124* (.036)
Proportion/years lived in West	.110* (.045)	.074+ (.040)	.072+ (.040)	.113* (.042)	.081* (.039)
Proportion/years lived in South	.047 (.037)	.061+ (.033)	.058+ (.033)	.008 (.037)	.062+ (.035)
Contemporary Labor Mkt and Welfare Measures					
Mean state AFDC/FS guarantee	.000 (.000)	.000 (.000)	.000 (.000)	.000 (.000)	.000 (.000)
County unemployment rate	-.020* (.006)	-.018* (.006)	-.018* (.006)	-.003 (.006)	-.003 (.006)
Intervening Measures					
Highest grade		.093* (.006)	.087* (.006)		.075* (.006)
Work experience		.010 (.010)	.008 (.010)		.021* (.011)
Work experience^2		.001* (.000)	.001* (.000)		.000 (.000)
Had teen birth			-.081* (.028)		
Had out-of-wedlock birth			-.023 (.029)		

Notes:
* significant at .05 level
+ significant at .10 level

rary labor market conditions, and contemporary welfare incentives (Table 3 columns 1).

The parental non-economic characteristics examined here have small and insignificant coefficients with one exception. Maternal schooling is positively and significantly associated with daughters' schooling. Girls whose mothers graduated from high school earn about 13 percent more per hour than girls whose mothers were high school dropouts. There is no association between maternal schooling and sons' adults wages. There is also no support in these results for the arguments that children raised in female-headed families or in families where the head works rarely or intermittently grow up to earn less as adults.

What about the two welfare measures? State welfare benefits have no significant associations with either men's or women's wages; parental welfare has a large negative association with men's but not women's wages. Boys raised in homes where parents receive all of their income from welfare earn 21 percent less than do boys whose parents never received welfare (Table 3, men's column 1).

But few children are raised in families that receive all of their income from welfare. Table 4 reports the deciles on parental welfare income for children where parents reported some welfare income. Half of these children resided in families who received 8 percent or less of their income from welfare. Totally eliminating welfare receipt in this group would raise boys' wages at most by 1.8 percent. Totally eliminating welfare receipt among families between the eighth and ninth deciles could potentially increase wages by 9 to 15 percent for boys in these families. But this estimate is likely too high—both because eliminating welfare is likely to extend the time boys spend in poverty (thus lowering wages) and because it is unlikely that welfare use will decline to zero.

Location seems to matter. Children raised in communities with large percentages of affluent households (income > 15K) earn more as adults. Boys raised in poor neighborhoods and in neighborhoods with high percentages of unemployed men earn less as adults. Women working in labor market areas with high unemployment rates earn less as adults. Children who grow up in the West and Northeast earn more as adults than do children raised in the Midwest.

Why do parental and neighborhood background matter? When we add controls for children's own schooling and adult work experience to the wage equation, the coefficients on mother's schooling and parental welfare drop sharply and become insignificant, suggesting that these factors influence wages by influencing human capital investments. But adding schooling and experience measures is associated with only small reductions on the coefficients on the poverty measure. Most of the effect of growing up poor on adult wages is independent of schooling and work experience. When we further add measures of teen births and illegitimate births to the women's wage models, the coefficient on the poverty measure drops but still remains large and significant (Table 3, column 3). Most of the effect of growing up poor on women's wages is independent of fertility decisions.

The human capital measures examined here are strongly and positively related to wages. Each additional year of schooling increases wages by 8 to 9 percent. Having a teen birth has a large and negative association with wages. Girls who avoid a teen birth earn about

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Table 4. Deciles on Childhood Welfare Recipients

(Sample = all children whose families reported positive welfare income)

Decile	Proportion Income From Welfare
10	01
20	01
30	03
40	04
50	08
60	16
70	26
80	38
90	58

8 percent more per hour then do girls from similar backgrounds who have a teen birth

CONCLUSION

This study has examined four competing explanations of the intergenerational consequences of childhood poverty and welfare receipt: the economic resources model, the non-economic resources model, the welfare trap model, and Wilson's structural/environmental model. What do the analyses reported in the previous section tell us about these four models? According to the economic resources model, childhood poverty should be a major predictor of adult economic status. We find that growing up poor has large, negative effects on men's and women's wages even after controlling for race, parental schooling, family structure, parental work hours, parental welfare use, neighborhood disadvantages, and children's own schooling and work experience. This finding is consistent with the economic resources explanation.

There is less support for the parental non-economic resources model. Family structure and parental work hours have no effect on adult wages. Maternal schooling affects girls' wages by affecting their schooling but has no effect on boys' wages. Of course, we examined only a few non-economic background disadvantages, but parental schooling, parental work, and family structure are among the factors most frequently cited in discussions of background disadvantages.

This is mixed support for the welfare trap model. If welfare incentives were a source of adult low wages we would expect positive associations between the state welfare benefits facing an adult and that adult's wage. We do not find this. If the welfare culture model were correct, the coefficients on parental welfare and on growing up in a female-headed family should be large, negative and significant; the coefficients on parental work should be large positive and significant; and parental welfare use should affect girls' wages by affecting their fertility choices. Most of these predictions failed. Parental work and family structure have no effects on wages of either boys or girls. Parental welfare use affects boys' but not girls' wages. However, effects on boys' wages are large.

Wilson's environmental/structural model posits that neighborhood poverty concentration, lack of middle class neighbors, high number of unemployed men in neighborhoods, and lack of job opportunities in depressed labor markets inhibit children's economic mobility. Our results provided considerable, if mixed, support for Wilson's model. Neighborhood poverty, low percentages of affluent neighbors, and neighborhood male unemployment rates are each associated with lower wages for men. Growing up in a neighborhood with a large percentage of affluent families and living in labor market areas with low unemployment rates area are each associated with higher wages for women.

POLICY IMPLICATIONS

The name of the new federal welfare legislation—The Personal Responsibility and Work Opportunity Act—reflects the goals of that legislation. Proponents of the law argue that it will promote work and self-sufficiency both among recipients in this generation and among recipients' children in the next generations by breaking up the "welfare culture" and by reducing the economic attractiveness of welfare as an alternative to work or marriage. Opponents of the new welfare law claim that the law will reduce economic resources available to children and will inflict serious harm on poor and low-income children. Senator Kennedy termed the law "legislative child abuse" (Edelman 1997). The new legislation is predicted to push over 1.1 million children into poverty and to decrease the incomes of over 8 million poor and low-income families by an average of $1300 per family. As Edelman (1997:43) puts it, "many working families with incomes a little above the poverty line (right now $12,150 for a family of three) would lose income without being made officially poor, and many families already poor would be made poorer".

Under the new federal legislation, states have wide latitude to design their own welfare programs, including whether or not to further restrict time on welfare, how much to aid former recipients as they move from welfare to work, and whether or not to provide social services for recipients and their children. In addition, because federal funding for welfare block grants has been fixed at 1994 levels, and because welfare rolls have declined substantially since 1994, most states have the funds to pay for new programs. There is considerable variability in states' welfare programs. Some states have implemented very short time limits and provide little or no assistance to recipients when time limits are up. In Idaho for example, welfare rolls are down by 77 percent. Other states have generous earnings disregards that permit recipients to keep part of their benefit packages even after starting work in order to pay for child care or other expenses associated with work.

There is considerable consensus among researchers that the new bill will reduce the time children spend in welfare dependent homes, will reduce the incentives for children to go on welfare as adults, and will reduce the economic resources available to poor and low income children. Reducing the time spent on welfare could potentially increase wages for boys raised in highly dependent families, but if poverty increases in these homes, the two factors may wash each other out. The research presented here suggests that the shape state welfare programs take might affect low income children's economic futures. Childhood poverty is associated with lower wages in adulthood. If childhood poverty increases as a result of the new welfare legislation, then the new time limits may depress some children's economic life chances unless accompanied by programs that enable recipients to replace the lost welfare income or by ones that target additional resources directly for poor children.

At the state level, this could mean that, in addition to programs that place recipients in jobs, states need to design programs that provide recipients the means to keep jobs and to get jobs that pay a living wage. This could mean high earnings disregards to cover child care or transportation costs. Or it could mean educational programs to improve recipients' skills.

At the federal level expanding or implementing programs that subsidize the income of poor working parents (e.g. the Earned Income Tax Credit, child allowances) or defray the costs of going to work (e.g. a refundable child care tax credit) could be useful. Programs that directly offer services to children (e.g., expanded funding in child health and nutrition, Head Start, mentoring programs) could also help.

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THE EFFECTS OF MYTHS ABOUT BLACK SINGLE MOTHERS ON CHILDREARING ATTITUDES AND BEHAVIORS: SOME POLICY RECOMMENDATIONS

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ABSTRACT

Through examining the 'problematization of black single motherhood" evident in the popular media, and the frequent findings of black single mothers' (BSMs) "impoverished" parenting ability, as well as with the use of the construct of self efficacy, I have outlined/substantiated hypotheses that indicate the relationship between ascription to stereotypes/myths about BSMs, the level of BSMs parental self efficacy and BSMs beliefs and practices. Because these hypotheses indicate that such problematization can have a significant effect on BSMs parenting, I propose several routes through which policy can be developed to undermine its impact.

Of the many current concerns that are topics of debate among both academic researchers and policy makers, few appear to be as widely discussed as the increase in single motherhood over the past three decades. The rate of unwed parenthood for all groups climbed significantly, ranging from a threefold increase for whites to a twofold increase for Blacks. The percentages of increase across the last two decades is best indexed by the fact that more than 30% of the children born in 1994 were to unwed mothers, whereas thirty years ago, approximately 10% were born to unwed women (U.S. Bureau Of The Census, 1994). The concern about the increase in such families is related to the increased likelihood of adverse outcomes for children who are reared in these settings.

Children reared in single parent families have been found to be more likely to exhibit behavior problems, have low self esteem, do poorly in school, obtain lower levels of education, and become single parents themselves than are children reared in two parent families (Garfinkle and McLanahan, 1986). In developing a response to these varying problems, researchers and policy makers have theorized that the childrearing practices of single parents lay at the root of these problems. They believe that efforts to prevent and change the negative outcomes for youth in single parent families should be directed towards changing or modifying the parenting values, beliefs, and behaviors of single parents (Coontz, 1992).

Because a large proportion of African American children are reared in single parent families, there is increased concern about single parenting within the Black population. Given this fact, it is not surprising that many of the efforts designed by policy makers to address single parenting and related negative child outcomes are focused on Black single mothers. These policy makers, and the institutions which are affected by these policies, are likely to have been informed by research within the social sciences that identify the lack of parenting skill and effectiveness found in low income Black single mothers (e.g. lack of nurturing, less interaction, harsh discipline, and controlling behaviors).

SOCIAL SCIENCE REPRESENTATIONS OF BLACK SINGLE MOTHERS

Black single mothers have been described, for the past century, in scientific literature as exhibiting poor "parental rearing techniques" (Garcia-Coll, 1995; Hess, 1970; Kamii and Radin, 1965). The current debate about the lack of rearing skills in black single mothers is fueled from trends in research that were established in the mid 1960s. One key action in the development of research trends on the Black family and its socialization practices was the publication in 1965 of "The Black Family: A Case for National Action," by Daniel Patrick Moynihan. Moynihan declared that the increased occurrence of female head ship in Black families led to a "tangle of pathology" responsible for various social ills that were experienced by Black children during that time (Moynihan, 1965).

Some of the damaging effects of this "matriarchal pattern" were that it created a discrepancy in educational attainment of Black males and females (p.31), it caused Negro children to "flounder and fail" due to father absence (p.35); thus created declining IQ scores (p. 36), increased delinquency and crime rates (p. 38), and fostered an inability to participate effectively and competently in U.S. society. The implications of Moynihan's findings were that this tangle of pathology would "tighten its hold" if the "assistance from the white world" did not direct a national effort towards the problems of "Negro Americans."

The results of the widely publicized Moynihan report was to prompt the investigation of inadequate and inappropriate practices within Black families and to develop policies and programs that could ameliorate the 'negative consequences' of these behaviors. Since the publication of the report, most research on Black parenting and childrearing practices in the United States has portrayed Black mothers' parenting capabilities in a negative manner, comparing the practices to those of white middle class mothers, and, when differences between groups were found, it was the black mothers practices that were seen as 'deficient.'

This "deficit approach" set the tone for research on Black mothers that continues today. While more recent studies, as well as a few earlier reports, portray a more complex picture of African American parenting practices and illustrate aspects in Black parenting which encourage success and survival of the Black family (Spencer, 1985; Peters, 1985; Hale, 1980), these aspects of African American family life either are typically ignored by the dominant research establishment, or interpreted as a deficit in the socialization practices of Black mothers.

This type of deficit model research, while often times not empirically validated, was used as the impetus to design and implement projects, such as Head Start, Home Start, and Parent Child Centers, all of which focus on enhancing the cognitive development of low income and Black children by training parents to "alter their normal patterns of interaction with their children and to adopt practices generally used in middle class white society. (Halpern, 1990; Ogbu 1982)."

Although use of the deficit model has been identified by several researchers as inadequate (e.g. Baratz and Baratz, 1970; Cole and Bruner, 1971; Tulkin and Konner, 1973), a significant amount of the mainstream research on Black children and families still imposes the race comparative model based on the theoretical assumptions which underlie the deficit approach. Due to the watershed effect of the Moynihan Report on social science and popular views of Blacks in the United States, the deficit model approach in research on the Black family, although evident before 1965, became a central aspect of theory and method when investigating Black families' socialization and parenting practices, and measures of the status of Black children. Over the past three decades, however, many researchers have begun to look for more complex understandings of the relationships among race, SES, parenting beliefs and practices, and children's outcome measures. Several studies have indicated that both social class status and racial ethnic differences influence child rearing practices (Bartz and Levine, 1978; Kamii and Radin, 1965; Kelley, et al 1992; Hess, 1970). In looking at the situation of low income Black single mothers, it is clear that both race/ethnicity and social status correlate with parenting behaviors. However, what is most significant about this research is that the investigations tend to focus on factors that moderate the relationship between demographic variables and parenting beliefs and behaviors. For example, the effects that stress has on parenting practices and parent child relationships have been documented by a variety of researchers (Crockenberg, 1987; McLoyd, 1990; Wilson, 1990). For example, Olson, et al. (1994), found that when parents are poor and single, the normal strains of rearing children are likely to be magnified. Moreover, in an analysis of the effects of poverty on Black parenting and child development, McLoyd (1990) noted that low income single parent families experienced higher rates of stress due to not only increased exposure to acute and chronic stress, but also to the increased vulnerability of low income individuals to other tensions. Findings of this type provide a basis for the inclusion of affective processes in the development and direction of parenting behaviors.

Non-Demographic Influences on Parenting

Clearly, there are various demographic variables which are associated with differences in parenting beliefs and practices, including race/ethnicity (Bartz and Levine, 1978), employment status (McLoyd, et al, 1994) and educational attainment (Kelley, et al, 1993). While these variables have been identified as correlating with varying childrearing practices, there are also other factors that may influence the parenting practices of single parents. For single mothers, social support has a significant influence on parenting attitudes and behaviors, (Cox, et al, 1989, Crnic, et al, 1983) while for low income mothers, differences in coping styles are related to differences in parenting practices and attitudes (Olson, 1994).

These findings indicate that variables outside the range of the typically investigated demographic labeling factors have significant effects on parenting practices and beliefs. In trying to gain an understanding of the development of differing parenting beliefs and practices among African American single mothers, findings such as these support and encourage investigations of Black single mother's childrearing that look at some of the dynamic aspects that influence parenting. Differences in Black single mother's experiences with such person-context interaction variables may result in differences in beliefs and practices for members in this group. In fact, support for investigation of such factors comes when one employs the "process-person-context model" (p.20) identified by Bronfenbrenner (1993).

In Bronfenbrenner's ecology of human development (Bronfenbrenner, 1979), the "process-person-context model" refers to a concept of development that is influenced by the interplay of personal characteristics along with contextual factors in multiple system levels. Moreover, this type of interplay is likely to impact those of a "denigrated" (p. 35) status in terms of lessening the degree to which routine demographic variables would influence outcome differences (Bronfenbrenner, 1993). In keeping with the theme of not relying heavily on demographic variables to predict outcomes of Black single mothers' childrearing, it is of use to consider selected non-demographic influences that have been found to influence actions and outcomes in adults.

Self Efficacy as a Mediating Variable

Parental beliefs can mediate the effects of environmental influences on parenting behavior (Murphey and Alexander, 1992). For example, parents who believe that they are not capable of influencing their infants' development are less likely to actively engage their infants (Tulkin and Konner, 1973). Moreover, in a study on the effects of racial discrimination on Black mothers' childrearing patterns, Richardson (1981) found that mothers with a systemic blaming orientation (viewing disadvantages as resulting from systemic inequalities) were more likely to engage in childrearing practices that would prepare their children for encounters with racism; in turn, those mothers with a victim blame (self blame) orientation were least likely to do so.

The influence of parent's perceived abilities on their actual parenting behaviors can be best conceptualized within an approach that takes into account the potential effects of self efficacy. The term self efficacy, a construct "identified/developed" by Bandura (1989), describes a person's perception of her ability to perform a task. For adults, self efficacy has been found to predict the relationship between an individual's knowledge and behavior on a number of variables (e.g. analytic problem solving, (Bandura and Wood 1989), career development and success (Betz and Hackett, 1986), and maternal infant care (Bugenthal 1987), and health related behavior change (Bandura, 1989).

One of the functions of self efficacy is to operate as a moderator of the relationship between knowledge and action. In order to perform successfully on any given task, Bandura (1989) asserts that two conditions must be met. The first condition is that an individual has to have the requisite knowledge and skills to undertake the task; the second is that the person has to believe that she is able to complete the task in a competent manner.

Black single mothers who are aware of the various negative perceptions and portrayals of Black single mothers, may or may not internalize aspects of these negative portrayals. The level of internalization of these factors is likely to effect the moderating function of self-efficacy for such mothers' parenting goals/practices. Variations in low income Black single mothers' experiences in terms of this factor are likely, according to the above described process, to influence Black single mothers feelings of efficacy in their role as parents.

THE INFLUENCE OF MYTHS AND STEREOTYPES ON BLACK SINGLE MOTHERS

Black single mothers in the United States are faced with severe economic and educational limitations, as well as with existing in a society that holds negative images about Black women and mothers. Black single mothers are subject to the same biases and prejudices that face all Black women. Yet, as parents, they must also contend with the characterizations of Black motherhood that have been thrust upon Black mothers for as long as they have existed in the United States. The implications of these depiction's of Black single motherhood range from social, where Black single mothers are identified as one of the most undeserved groups, to emotional, where single Black mothers are likely to experience increased rates of depression, and to structural, where Black single mothers typically work more hours and receive lower wages than both Black male and white females (Amott, 1990; Coontz, 1992).

Descriptions of the impact of these effects elucidate the likelihood that myths and stereotypes influence the self efficacy status of low income Black single mothers. The current stereotypes that exist around Black single mothers are updated variations and/or combinations of older stereotypical images of Black women (White, 1985). For example the Black matriarch, is an updated, less functional version of the mammy (Hill-Collins, 1991; Morton, 1991) while at the same time, she is also related to the jezebel figure in that, much like jezebel, the matriarch displayed a lack of concern and nurturing for Black children. The public perception of the matriarch was developed through sociologists interested in defining the pathology of the Black family, and was popularized in the Moynihan (1965) report.

Another stereotype that has gained recent popularity is that of the welfare mother. Much like her Matriarch counterpart, the welfare mother has attributes similar to Jezebel and Mammy (White, 1985). As does mammy, she shows little regard for the well being of her own children. In keeping with the jezebel image, the welfare mother is highly interested in satisfying her intense sexual needs, and is also in pursuit of "favors" she can receive through use of her sexuality/fertility. By bearing offspring which she has no desire to support nor the ability to provide appropriate nurturance for, the welfare mother, in keeping with her low moral image, acts as an "economically rational parasite." By operating in this manner, the welfare mother reaps benefits from public support programs which provide incentive for her unwed parenting status (Hill-Collins, 1991; Jewell, 1993).

The image of the welfare mother was popularized by, and continues to be reinforced by, structural theorists. They argue that the structure of entitlement programs build upon Black women's already jeopardized moral state. This process occurs through encouraging Black women to have children without the involvement of a stable, contributing mate. Such programs provide incentives for non-participation in the labor force and for bearing more children. They argue that this substantially increases the poverty rates of Black children, and contributes negligently to the growing numbers of the "underclass" (Jencks & Peterson, 1991; Jewell, 1988; Ellwood, 1988; Garfinkle & McLanahan, 1986).

Structural and societal effects of images of Black mothers

The images of Black mothers in the United States have been essential in constructing and controlling current and past caste systems, which have benefited from the oppression and exploitation of Black women (Hill-Collins, 1991). The outcomes of the institutionalization of such cultural imagery was an initial justification of the treatment of Black women during slavery (Taylor and Smitherson-Donaldson, 1989; Jewell, 1993). The current representations of Black single motherhood are tools that are used to define single motherhood as at least deviant, if not pathological (Mednick, 1987).

African American women, in general, and single Black mothers in particular, occupy the lowest occupational status, social status, and income group in the United States (Coontz, 1992; Jewell, 1993; Morton, 1991). The social status ascribed to Black single mothers serves to implicate them as being responsible for the problems that confront their families and the entire African American community, by being pathological as well as pathogenic (Jewell, 1993; Morton, 1991).

Hypotheses and Policy Implications

Given this review, the reasonable hypotheses with regard to stereotypes/myths, parental self efficacy, and childrearing practices are 1) That the degree of myth acceptance for Black single mothers will correlate negatively with parental self efficacy, and 2) That parental self efficacy will be correlated with positive childrearing attitudes and practices. Some of the consequences of having these hypotheses validated would lead to a restructuring of the federal, state and local programs designed to serve low income families.

If there are not inherent deficits in the rearing practices of these women, then programs designed to address these so called deficiencies will have little to no success unless they begin to identify and tackle the much more complex problems that have to do with the ways in which society views single mothers, and the ways in which these views influences those who are prone to seeing themselves as society sees them (Ramey and Ramey, 1992). Given that none of the large scale federally funded programs that have parent intervention as a major component have had significant effects on parenting practices and child status during the early childhood and middle years (e.g. Head Start, CCDP) (St. Pierre, et al, 1997), it is plausible that integrating the above mentioned hypothesis into policy development would increase options for seeking changes identified as critical for the healthy development of young children.

For example, the integration of lower income single mothers children into standard, high quality childcare programs that are used by high income families could promote a sense of belonging to mainstream society for low income single mothers. Moreover, this type of measure would have the additional effects of increasing exposure to different populations, which is related to more optimal parenting attitudes and practices (McLoyd, 1990), which is usually the stated goal of programs that target this group.

The integration of single parent black families into "mainstream" activities may reduce the level of social stigma such women experience. Also, this could decrease Black single mother's endorsement of the problematizing myths and stereotypes that pervade US society by enhancing access to education and training, as well as allowing them the opportunity to work in full time jobs that offer many of the amenities this group hasn't traditionally been able to access in the workplace (insurance, family and sick leave).

Policy based on these hypotheses could influence the well being of families headed by Black single mothers while simultaneously operating to decrease the stigma associated with this group. Black single mothers are one of the most denigrated groups of Americans (Hill-Collins, 1991; Jewell, 1993). Part of this denigration has to do with being closely identified with the welfare system, which is the most stigmatized and despised of all government transfer programs (Coontz, 1992; Jewell, 1993).

Families on welfare receive significantly less financial support than other groups "supported by" government transfers (Coontz, 1992), and are generally perceived/received more poorly than other mothers who receive outside support (i.e. widows, divorced mothers who receive alimony). Comparing measures of the well being of the families black single mothers with those of divorced and widowed mothers, we see that the latter two groups are better off. What differentiates these two groups from Black single mothers is that women in these groups receive more financial support, and have access to more resources. The fact that women on welfare receive significantly less financial assistance almost ensures that they will continue to exist within a poverty status.

Changes in the means and amount of transfers provided to this group may provide an increased dignity by increasing the access to materiel resources, and therefore better quality of life for their children, and by validating their worth in societies' view. While many people argue that the stigma of receiving government support in and of itself will hinder recipients, this argument is not borne out. The 1950s suburban family, seen as a model of hard work and strong morals, benefited from more "government hand-outs" than any so called underclass in recent United States history (Coontz, 1992).

Policy informed by the hypotheses discussed above are likely to provide changes for Black children that cannot be achieved with programs focusing on the parenting practices in black low income families. The changes that need to occur to ensure healthy development of young Black children are those that will ensure the healthy development of those who are closest to, and directly responsible for them.

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"IT'S DIFFERENT HERE": LOSSES AND GAINS OF IMMIGRANT WOMEN WORKING IN A U.S. GARMENT FACTORY

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ABSTRACT

Immigrant women to the United States face a myriad of change in their lives. The focus of this paper will be how the immigrant class status and ethnicity affected the social and economic progress as these immigrant women worked in a U.S. garment factory. The women's stories and experiences were interesting to hear in the midst of the current anti-immigrant fervor. Their accounts refute the myths and stereotypes that led to the creation of anti-immigrant legislation and give depth to our knowledge of the female immigration experience.

Immigrants are being given a bad reputation in our country. New laws and restrictions are continually being written to restrict their entry and their existence is challenged. A popular conservative opinion states that "the United States has become a 'welfare magnet' to people around the world" (Lutton and Tanton 1994,7). Statistics have been generated to prove that immigrants are a drain on our welfare system and are responsible for the rising rates of its use (Stein 1997). These negative perceptions in the media and society affect the immigrants who are currently in our country.

Does this statement fit the reality of what we know of immigrants, including our own ancestors? Little recognition is given to the fact that many of today's immigrant populations are refugees who come to the United States with physical and mental impairments as a result of failed U.S. policy. People immigrate to the United States to have a better life and to live the "American Dream" of improving themselves and their standard of living. This was the dream of my grandfather when he came from Holland. The reality is that a person on welfare has an income below the federal poverty standard. Most immigrants would be better off financially in their own country with family and cultural supports than living isolated in the United States on welfare.

This paper will look at the intersection of class and ethnicity with social and economic progress for legal immigrant women who work in a garment factory. The changes in the safety net for legal immigrants through welfare reform will also be examined. This discussion is based on qualitative research interviews and participant observation over a fifteen month period at a garment factory in central New York. A feminist framework for data collection and analysis was used. Twenty legal immigrant women from Europe, South Asia and South East Asia were formally interviewed, as well as many other female immigrant employees on an informal basis. A cross cultural analysis utilizing the symbolic interactionist theory base guided the research.

Forty-seven percent of all foreign born, immigrant women are employed outside their family home. Eighteen percent of these worked as operators, fabricators and laborers, similar to the work of the women I interviewed (Census 1990). Of the nationalities I had in my sample, it was most likely for a woman from China and Vietnam to work at a factory. The many women that I interviewed from Italy or India are not typical of the overall U.S. factory work force.

Factors that the immigrant women reported as affecting their social and economic progress come from many areas. Their social status as an immigrant affected their ability to interact in the work place. Fluency in the English language was a crucial skill that many women did not think they had. The U.S. work force also has a lack of recognition for these women's international education and work experience. Many women reported a loss of status when they moved from a respected and participating member of a community to becoming an unknown and distrusted outsider. These unwelcome attitudes are especially fueled by anti-immigrant rhetoric. The women did report that they were pleased with the ability of their children to succeed. They also dreamed of their own chance for a U.S. education and change of career.

Legal immigration to the United States is not an easy experience. There are a myriad of forms, fees, and interviews to be accomplished in order to be considered for immigration. All the women I interviewed came through family sponsorship or as refugees. The refugees did not want to flee their home countries, but were forced out due to larger systems change. Those on family sponsorship visas applied and had to wait many years to enter this country. These are people who followed the rules. Once they are approved for immigration they are given a priority number and they wait. It can take years (5 or more) until they are approved to immigrate. Once here immigrants face major cultural adjustments.

Immigrant women believe they can not progress economically in the job market because of their lack of English skills. As Anita said,

> *The only thing is that I have problem with English, you know? So nobody wants (to hire) you like that, you know? So I don't get a job anywhere.*

This perception has led many of them to work in the garment factory where they do not have the pressure to speak fluently. Aroti said,

> *This summer I will look for a job. I will never be able to get a real secretary's job because of my accent. I understand that the secretary represents the company and my English and my accent is not good. If I answer the phone they will think that I am representing the company and that will be bad.*

Whether real or perceived, this is the attitude of many of the women. Since many started work shortly after arriving in this country, it was a relief not to be expected to be fluent.

Considerable effort is necessary to gain higher level jobs and salaries, and reaching these is not guaranteed. As Maria reported, "Here my schooling wasn't really anything because I couldn't speak English." Like many employed women, Kim's skills also did not transfer. She said,

> *I think I like working in the bank better. Yeah. (Laugh) Because I got in this job, well you know, I don't want to go to school, you know? I'm too old, I don't want to.*

Another barrier is knowing the cultural differences and the fear of going out into the work place. Grace doesn't go after other jobs because she does not think she will get them.

> *In my mind I think I won't get the job, so I don't try! I'm very afraid of the interview because they ask questions. I've never been before . . . I don't know what to answer too, you know? Before I went to a real estate office. You'd have to see me, my hands were shaking!*

Other women emphasized the losses of class and status (which came with a good job) that they experienced when they moved to the United States. Kamala, an upper class Indian woman who used to work full time in her home, talked about working in her new job at the factory.

> *I was so tired. I don't know sewing and it's a hard time. And at night I was crying, "why did I come to America?" I don't know. I was crying. And then slowly, slowly, I got used to it.*

The previously professionally employed women had the most to lose when immigrating. They are women who have high competency skills and training, are used to responsibility, and held positions that afforded them some status in their community. After being a school teacher for fifteen years, Shoba told me,

> *This is very difficult, very difficult. I never used to mend my clothes! (Laugh) Very difficult and entirely different from my profession. And I never tell anybody that I am doing this. I feel ashamed. Even my daughter says, "hey Mom why do you want to stick to this job? Why don't you find out something? Why don't you come to the University and study something? So many people are coming to the University and studying something, they don't even know English! You can speak very good English and you are very good at writing. Why don't you go and study something?"*

All the educational markers that distinguished her, held prestige, and gave her recognition were lost with the move as Shoba's skills, education, and experience are not recognized in this country. It was a similar experience for Hasina.

> *There is no good job that they will give me. I have a Master's and want a good job but they won't give me. I want to go back to my studies.*

Now she is not able to work in the same field as she was trained for at home without significant re-training.

The lack of intellectual stimulation after doing piece work hour after hour, day after day is especially frustrating for the professional women. After a day of rushed piecework, the women come home tired and with little energy to do anything else. Kamala's children encourage her to learn to work a computer, but she does not have much strength left after a day at the factory.

> *My daughter says, "Ma you have to learn." The problem is when I get home, I'm tired and I think, "I'm old, I don't want to learn like that."*

Most of the women talked of other jobs or professions they would rather do. In their minds, the factory work was a temporary position and a necessity until they could develop skills, gain further training, or improve their English. The women that I interviewed complained that they would like to have a different job, though many have not yet had the opportunity to change. Tankamma has previously been a secretary. She commented.

> *Go back to typing? I don't think so. Here I don't have any education, you know? I have to learn more only then will people hire me, you know? I am willing to do so but they won't hire me.*

For the immigrant women whom I had interviewed, most had worked at this factory for the entire time that they had lived in the United States. Though they wished to, they had not been able to move on to other work. Outside factors such as family economic need had not given them the chance to gain an education or take the risk of moving to another job. Mani feared that her employer would find out if she was looking for another job and fire her.

> *It's too risky to go to other places. Sometimes when I go to my job to sew during the day, I don't want them to say to me 'no work, go home'.*

Only a few of the women had specific plans for the future and were doing something about it. Shoba and Kamala have taken the civil service exam for clerical and postal positions. Civil service jobs parallel desired government jobs in India holding high job security, a respectable status, and with an impartial exam that lessens discrimination. Kamala's husband has taken the civil service exam and was able to obtain a good job. She had tried and did not do well, but will take it again until she gets a better score and a job. She is concerned that the exams are not being offered as frequently as before and that there are fewer openings with state and federal budget cuts.

These stories are from immigrant women who work at one of the lowest paying jobs in our country and who dream of their family doing better. They did not come to the United States to receive welfare but to give their children a better chance to succeed. Though they do not plan on using our country's welfare system, there could arise a time when the safety net is needed.

One major change in our welfare system is the qualifying for federal benefits as it occurs in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193). Section 402 of the bill specifically discusses the "Limited Eligibility of Qualified Aliens for Certain Federal Programs". This area lists the eligibility requirements for food stamps and cash assistance that affects these working immigrant women. Currently changes are being made to amend the food stamp portion of this law, but they are geared towards children and the elderly and would not affect this working cohort (Alavarz 1998).

Under Public Law 104-193, section 402, legal immigrants are not eligible for the specified federal aid of food stamps and Supplemental Security Income (SSI). The only possible exceptions are that immigrants granted refugee or asylee status can receive federal benefits for five years immediately after they enter the country. After that time they are cut off regardless of physical or mental impairments that would affect their ability to work. Any legal immigrant can also receive federal benefits if he or she has worked 40 qualifying quarters as defined by the Social Security Act AND has not received any federal benefits in the meantime. Exempt from this law are U.S. Armed Forces veterans who are honorably discharged or on active duty. The veterans, their spouses and dependent children are able to continue their eligibility for federal assistance as needed. Individuals currently receiving SSI or food stamps could continue their benefits for one year after the Act went into affect, and then they would have to go through a recertifying process to determine their eligibility.

The restrictions are criticized by many as harsh and punitive. Others argue that part of the rationale is to encourage a refugee or immigrant to become a naturalized citizen after five years of residency in the United States. Once a person is a citizen, he or she is eligible for federal benefits. The reality is that with citizenship there is a five year lifetime limit of federal benefits and that the ten year waiting period goes well beyond what is needed to become a citizen. In addition, citizenship is not an easy process with verbal and written tests in English, high application and lawyer fees, and personal interviews necessary to complete the process. Currently there are 2 million immigrants waiting to be naturalized into citizenship with waiting periods up to 18 months (N.Y. Times 1998).

Another barrier I that I observed was the incongruity between INS office hours and typical work hours. There was no way a full time working person could visit a local office without utilizing precious vacation time, with no guarantee that the office would be open!

We need to stop and question if we really want to encourage citizenship so people can get welfare benefits? This seems to be reinforcing values that were criticized and used to create this legislation in the first place. It creates a divisive environment that did not previously exist where people are stratified dependent on their citizenship.

The reality of these legislative actions is quite evident when looking at an immigrant family's situation. Now there is no safety net for these people. There are no exceptions if something catastrophic happens to the family, such as jobs being lost. What happens if you get sick or disabled after years of work? Kamala is an example of a person severely affected by these changes. She worked for six years at an entry level position at the garment factory. Kamala became permanently injured with carpel tunnel syndrome from the repetitive motions of her work. Now, she can not do even the most basic household task without severe pain. Under these new provisions, Kamala is ineligible for any benefits even though she has paid taxes on her earnings and has contributed to Social Security.

There could also be a need for food stamps when an immigrant woman might get laid off. While I was doing my research the factory experienced their most harsh work slow down that the women could remember. A combination of a lack of orders and a management error in ordering material caused the factory to slow down for almost six weeks. The factory's practice was to bring the women in for a few hours a day, thus eliminating their ability to collect unemployment insurance. With their income drastically cut the women found themselves in difficult financial situations. With this new welfare reform, immigrant women who were working but immediately affected by the economic decisions of their employer, would not have a safety net of food stamps to ease their hardship during their work slow down. These layoffs and other issues, such as time off for child care, make it difficult for the women to accumulate the 40 quarters of full time work.

In many ways, these women's attempts to be involved in the paid employment force are doomed from the start. These women offer little resistance to the U.S. system of education and the transfer of knowledge. Since the women lack confidence in their own skills and training, they emphasize going on for more education. There is little fighting the system and asserting that the education that they received in their native countries was similar and adequate. One reason is that many women are overwhelmed by the rapidly changing technology of computers and do not see how they can adapt. Another reason is the constant fear of their English skills not being adequate.

The value of women's employment in the United States has typically been under rated and underpaid. While in 1994 women accounted for forty-six percent of the total work force, their ratio of earnings to men's was seventy-six percent (U.S. Department of Labor 1995). The immigrant women whom I interviewed are piece workers and are the lowest paid group at the factory. This is especially difficult as these women earn so little yet carry significant financial responsibilities that they previously did not hold. In order to help the family, many of these women are working harder and are sacrificing their dreams to meet the needs of their families or other family members.

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THE SHADOWS OF UNAUTHORIZED EMPLOYMENT: WOMEN'S SUB-MINIMUM PAY AND OCCUPATIONAL CONCENTRATION BEFORE AND AFTER LEGALIZATION

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ABSTRACT

Nearly two out of five unauthorized women started working in the United States as private household workers. The top ten occupations account for 81.1 percent of all their first jobs. A comparison sample of Latina women revealed a different set of top ten jobs, and less occupational concentration.

Unauthorized women were more likely to earn sub-minimum wages (53 percent) in their first U.S. jobs than were other Latina women (19 percent). Mobility and experience led more to earn wages that were above the minimum. Even so, as long as these women remain unauthorized, their rate of sub-minimum wage payment is still 2.7 times higher than for the comparison group. After legalization the two rates converge and are nearly the same.

I. INTRODUCTION AND RELATIONSHIP TO CONFERENCE THEME

The Immigration Reform and Control Act (IRCA) was enacted in 1986 to reduce U.S. employment opportunities for unauthorized workers. For the first time, IRCA imposed fines on U.S. employers who hired them. To recognize the commitment that unauthorized workers had already made to the U.S. labor market, amnesty was granted to approximately 1.7 million unauthorized workers who could demonstrate continuous U.S. residence since 1982.[1] Amnesty allowed unauthorized residents who qualified to become permanent residents and eventually citizens. More than 42 percent of people granted amnesty were women. It was hoped that amnesty would bring these workers "out of the shadows" of the unauthorized labor market.

Our objective is to shed light on changes in economic outcomes associated with IRCA's legalization. In addressing this issue, we analyze a sample of young Latina women drawn from the Legalized Population Surveys (LPS). They came to the United States as unauthorized workers and then received amnesty under IRCA. We focus on three time periods: entry into unauthorized markets (1976-86), ongoing unauthorized worker (1987 or 1988), and ongoing legalized worker (1992). A sample of Latina women drawn from the National Longitudinal Survey of Youth (NLSY) is used as a comparison group.

This paper fits into the conference theme by examining the progress, or lack of it, of a forgotten group of women. Understanding the effect of amnesty on the labor market outcomes of these women is important not just because of the uniqueness of the amnesty program and the sheer size of the legalized population, but because, in today's political climate, we are compelled to understand the economic lives of women who surreptitiously cross the border to work in the United States.

II. LEGAL STATUS AND THE WAGES OF UNAUTHORIZED WOMEN: THE ISSUES

Researchers attempting to understand the U.S. labor market outcomes of unauthorized migrants often face severe data limitations because of the clandestine nature of the unauthorized population. Information about unauthorized workers is often based on groups of apprehended migrants (Chiswick 1988; North and Houston 1976), groups of return migrants (Jones and Murray 1986; Kossoudji and Ranney 1984), or inferences drawn from groups of legal immigrants (Bean, *et al.* 1988). Almost all of these studies have analysed only men and found that unauthorized workers earn less than authorized workers even when controlling for differences in human capital.[2]

Legal status can have a direct impact on wages because of explicit employer discrimination (see Portes and Bach, 1985) or because a lack of legal status alters unauthorized workers' behavior. Unauthorized workers are less likely to know of or exercise their rights in the face of employer exploitation. But employer exploitation is not the only source of wage differentials. Unauthorized workers are highly concentrated in a few specific low paying jobs that are identified as traditional migrant jobs (Cornelius, 1976; Long and Gill, 1989; Taylor, 1992). Migration networks combined with constraints on job search produce this concentration (Massey *et al.* 1987; Kossoudji and Cobb-Clark, 1996). Unauthorized workers are agricultural workers, busboys, or construction laborers not just because of their low levels of human capital, but because their friends or relatives helped them get those jobs.

In addition, when unauthorized workers enter the U.S. labor market, they may be less likely to maximize wages than to minimize the risk of apprehension. The inability to move freely throughout the U.S. labor market makes it difficult to maximize the returns to their human capital over time (Calavita, 1989), making returns and wage growth lower than for legal workers (Borjas and Tienda, 1993).

The options of unauthorized women may be further constrained. The gap in the skills of authorized and unauthorized workers may be larger for women than men and certain childcare choices may be ruled out for unauthorized women. At the same time, being ineligible for welfare may serve to reduce non-labor market opportunities for them as well make it difficult to find options that would allow them to balance both market and home production. Still, many unauthorized women come to the United States specifically to work—without the sanction of the U.S. government—making them highly motivated workers.

The limited evidence on legal status and the wage rates of female migrants provides evidence of an unauthorized wage penalty for women (Morales, 1983; Kossoudji and Ranney, 1984; Simon and DeLey, 1984; Borjas and Tienda, 1993). The literature also points to the existence of a gender wage gap for unauthorized workers (Morales, 1983; Kossoudji and Ranney, 1984; Borjas and Tienda, 1993). Gill and Long (1989) find no evidence of a wage differential due to legal status when an individual's job characteristics are controlled. This raises the possibility that any wage penalty associated with being unauthorized may stem in part from differences in the jobs in which authorized and unauthorized workers are employed. Powers and Seltzer (1998) note that earnings growth between the time of first entry and the time the amnesty application was filed averaged 21 percent for men and only 2 percent for women.

III. DATA SAMPLES AND VARIABLE DEFINITIONS

To assess the impact of legalization, a random sample of individuals applying for amnesty under the General Legalization Program was surveyed. In 1989 (LPS1), detailed information was collected about the job held immediately after first migrating to the United States to stay as well as the job held the week before the amnesty application was filed. Two-thirds of LPS1 respondents were reinterviewed in 1992. The merged data from these two Legalized Population Surveys (LPS) are used in this analysis.

Women of similar ethnic background, age, and immigration histories were chosen to reduce unobserved differences that may be correlated with wages. We selected Mexican and Central and South American women who came to the United States to stay between 1975 and 1982, who were born between 1944–1967, and who worked prior to legalization.[3] The sample was further restricted to women who entered the United States without inspection, by far the most common means of entry for these workers. The sample size is 991 with 365 women observed working in all three time periods.

A comparison group helps isolate the effects of changes in legal status from other factors like changes in macroeconomic conditions. Since unauthorized migrants are typically young with little or no pre migration labor market experience, it is sensible to contrast their experiences with the experiences of other young new labor market entrants. The NLSY comparison sample is composed of all Latina women who were not part of the NLSY military sample and who were new labor market entrants between 1979 and 1986.[4] The comparison sample size is 794, with 462 women observed working in all three time periods.

Although these two groups of women are quite similar in terms of age (LPS women were 23 at the time of their first U.S. job and NLSY women were 20), they differ in other ways. NLSY women had an average of almost 12 years of education and were likely to have been educated in the United States. LPS women had an average of only 7.4 years of schooling on average and were likely to have some trouble with English—about 43 percent of them did not speak English in 1989. Finally, we estimate that about 55 percent of LPS women but only 27 percent of NLSY women were married when they started their first U.S. jobs.

In both the LPS and NLSY surveys, respondents were asked about their usual weekly earnings before deductions including any overtime pay, commissions, or tips that they usually received. If they were paid by the hour, they were asked about hourly rather than weekly earnings. Neither survey provides information about in-kind compensation provided by employers such as room and board. This is unfortunate, since there are likely to be important differences in the provision of in-kind compensation across various occupations. If there is a tendency to under-report earnings in the form of tips or commissions, this may also vary by occupation.

Table 1

The Top Ten Occupations for Unauthorized LPS Women in their First U.S. Job

	Percent in Occupation	Percent Earning Sub-Minimum Wage
Private Household Servant	27.6	79.5
Textile Machine Operator	12.1	44.2
Private Household Childcare	11.6	92.1
Laborers, Non-Auto, Non-Construction	6.9	30.9
Maids	5.1	29.4
Janitors	4.5	31.1
Food Counter and Kitchen	3.7	41.7
Mixing, Crushing Machine Operators	3.7	16.7
Farm Workers	3.3	21.2
Assemblers	2.4	22.2
Overall (n=991)	**81.1% in top ten occupations**	**52.8% earning sub-minimum wages**

Table 2

The Top Ten Occupations for NLSY Women in their First U.S. Job

	Percent in Occupation	Percent Earning Sub-Minimum Wage
Sales Counter	9.9	8.9
Secretary	7.4	8.5
Sales, Other	6.7	41.5
Food Counter, Kitchen	4.7	29.7
Clerks, Reception	3.9	9.7
Textile Machine Operator	3.5	10.7
Laborers, Non-auto, Non-Construction	3.5	17.9
Administrative Support	3.4	14.8
Farm Workers	3.4	33.3
Clerks, Nec[a]	3.1	12.0
Overall (n=794)	**49.6% in top ten occupations**	**19.3% earning sub-minimum wages**

[a] Not elsewhere classified

IV. SUB-MINIMUM WAGES AND OCCUPATIONS FOR YOUNG LATINA WOMEN

A. Unauthorized Women (LPS) Entering the Labor Market

LPS women's first occupations in the United States are consistent with our perceptions of typical migrant jobs. The concentration of these women within the occupational distribution is quite remarkable. Table 1 reveals that nearly two out of five LPS women began their work lives in the United States as private household workers, either as servants (27.6 percent) or childcare workers (11.6 percent). Approximately 12 percent were textile machine operators, 3.7 percent were mixing machine operators, and 2.4 percent were assemblers, the top three jobs in factory employment. Altogether, the ten most common occupations accounted for 81.1 percent of all LPS women's first jobs in the United States.

This concentration is partly explained by the limited U.S.-specific information which forces unauthorized migrants to rely heavily on migrant networks for their first U.S. jobs. The networks' principal function is to provide a job in which the worker is relatively safe from apprehension. Thus, concentration in traditional migrant occupations is no accident, but a contemporaneous expression of a long history of network building.

Given both the lack of marketable credentials and the fact that unauthorized workers must remain invisible to the INS, it is not surprising that most traditional migrant occupations are at the bottom of the wage distribution. In a very early work, North and Houston describe these workers' vulnerability:

"The Fair Labor Standards Act does, however, define what constitutes substandard wages and hours for most jobs, and it is not unreasonable to assume that illegals who are paid less than the minimum wage are not only underpaid, and hence exploited workers, but that they generally owe such exploitation to the fact that they are illegal workers. For, although illegals' jobs are covered by labor legislation, their participation in the U.S. labor force contravenes other laws, hence they are in no position to

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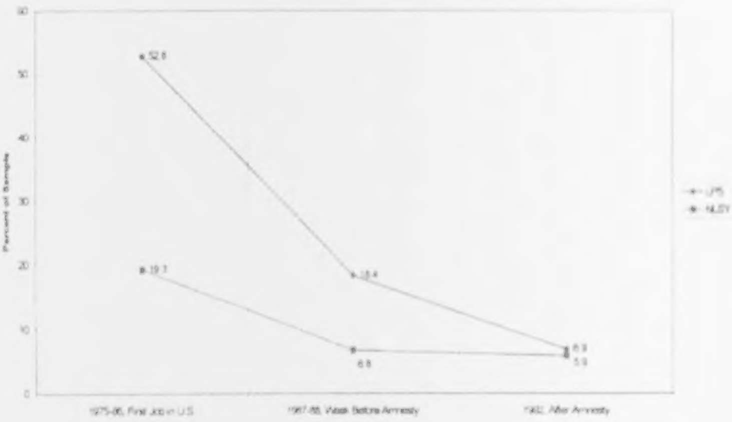
Table 3

The Top Ten Occupations for Legalized LPS Women in 1992

	Percent in Occupation	Percent Earning Sub-Minimum Wage
Private Household Servant	13.5	23.0
Textile Machine Operator	11.4	3.8
Laborers, Non-Auto, Non-Construction	7.5	0.0
Mixing, Crushing Machine Operators	6.9	0.0
Maids	6.5	0.0
Janitors	6.4	10.3
Cooks	3.7	5.3
Nursing Aides, Orderlies	3.2	6.7
Private Household Childcare	3.0	53.8
Sales Counter	2.4	14.3
Overall (n=535)	**64.5% in top ten occupations**	**6.9% earning sub-minimum wages**

Figure 1
Sub-Minimum Wage Earners
Percent of Women in the LPS and NLSY Samples



ensure that minimum wage labor standards are met." (1976:127)

The average real wage at labor market entry for unauthorized women was $3.64 per hour in 1983-84 dollars. More tellingly, more than one-half of them (52.8 percent) earned hourly wages that were below the prevailing legislated minimum wage. Private household employment was notable, not only for its prevalence in unauthorized employment, but also for the rate at which women earned sub-minimum wages. Fully 92.1 percent of the private household childcare workers and 79.5 percent of the private household servants earned wages below the established minimum.[5] In contrast, only 16.7 percent of mixing machine operators earned below minimum wages.

B. Authorized Women (NLSY) Entering the Labor Market

Authorized Latina women did not experience the same degree of occupational concentration as unauthorized women (see Table 2). The ten most common occupations accounted for just under half (49.6 percent) of the first jobs of NLSY women. In addition, their first jobs were typically not the same as those of unauthorized women. Sales counter help was the most prevalent occupation (9.9 percent) followed by secretarial work (7.4 percent), other sales help (6.7 percent) and food counter and kitchen help (4.7 percent).

The average real wage for NLSY women in their first jobs ($4.34) was significantly higher than for LPS women and NLSY women were much less likely (19.3 percent) to earn below the minimum wage. Although the incidence of sub-minimum wage payments varied by occupation for these women as well, only three occupations had rates that were higher than twenty percent. Over 40 percent of the women working in the other sales occupations, 29.7 percent of food counter help and 33.3 percent of farm workers earned below minimum wages.

C. Comparing Authorized and Unauthorized Women

While working without legal documents, LPS women were 2.7 times more likely to be earning sub-minimum wages. Undoubtedly, some of this difference arises because unauthorized and authorized female workers find different jobs. But even in the same three-digit census occupations, unauthorized women were more likely to earn sub-minimum wages. In three of the four overlapping top ten occupations, sub-minimum wages were more prevalent for LPS women. Unauthorized women's occupational concentration is also higher. The ratio of occupational concentration for the two groups is 1.63.

D. Changes in Sub-Minimum Wages and Occupations Over Time

More than 60 percent of LPS women changed occupations between labor market entry and 1987-88, while more than 62 percent changed occupations between 1987-88 and 1992. At the same time, it is clear that much of this mobility represents "occupational churning" through traditional migrant jobs. In 1992, after legalization, approximately 60 percent of LPS women remained employed in one of the ten most commonly held occupations at labor market entry. The occupational concentration in these specific top ten jobs declined by only 25 percent (from 81 to 60 percent).[6] Altogether, three of the original top ten occupations were no longer in the list of top ten jobs in 1992 (farm workers, kitchen counter help, and assemblers) and three new occupations had been added (cooks, nursing aides, and counter clerks) to the list. Approximately 65 percent of the LPS sample were employed in one of the top ten jobs for 1992 (see Table 3).

By 1992, authorized Latina women were also in different jobs. Only six of the original top ten occupations are still in the top ten jobs in 1992 (table not shown). Fewer than one in three NLSY women remain employed in the original top ten jobs, a decline in their occupational concentration of 35 percent. About 44 percent of authorized women were in one of the ten most common occupations in 1992. The ratio of occupational concentration of LPS women to NLSY women in top ten jobs was 1.48 in 1992.

Figure 1 suggests that legalization had some impact on the rate of sub-minimum wage employment for legalized women. At entry into the U.S. labor market, LPS women were 2.7 times

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more likely to be earning sub-minimum wages than were authorized NLSY women. For both groups of women, time, mobility, and U.S. labor market experience led to an decrease in the proportion earning below minimum wages. By 1987-88, only 18.4 percent of LPS women and only 6.8 percent of NLSY women were earning sub-minimum wages. This decline is steep for both groups but even so, during this period when all are experienced U.S. workers, but LPS women continue to be unauthorized, the rate of sub-minimum wage payment is still exactly 2.7 times higher for unauthorized women.

By 1992, however, when all of these women are working legally in the U.S. labor market, the rates of sub-minimum wage payment converge. For LPS women, this steep decline mimics the decline of 35 percent from labor market entry to 1987-88, but occurs over only four years instead of over an average of 7.5 years in the unauthorized period. Other Latina women show almost no decline in the rate of sub-minimum wage payment between 1987-88 and 1992. Their pattern follows a traditional career pattern, where significant change occurs early on, and stability is more common with experience.

LPS women were much less likely to be earning sub-minimum wages in 1992 in spite of the fact that occupational concentration had declined only modestly. In every single occupation, the likelihood of earning sub-minimum wages declined dramatically between labor market entry and 1992. Sub-minimum wage payments to textile machine operators fell from 44.2 percent to 3.8 percent, while for laborers, mixing machine operators and maids, they fall to zero. Only in private household work, the special domain for impoverished and unauthorized workers, did sub-minimum wage payments remain high.

When we compare women who became legal workers after starting out as unauthorized workers with women who have always worked as authorized workers, two features of their U.S. work careers stand out. First, is the sub-minimum wage ratio, which starts out at 2.7 in their first jobs, stays at 2.7 in their 1987-88 jobs, and then precipitously declines to 1.1 after legalization. Second, is the occupational concentration ratio, which starts out at 1.63 in their first jobs—rises to 1.69 in their 1987-88 jobs, then declines to 1.48 after legalization.

VI. SUMMARY

Historically, unauthorized women have been the uninvestigated component of the shadow labor force. Their need to remain out of sight of the INS and their poor qualifications for U.S. jobs, has kept them hidden in a very few, poorly paid, occupations. At the same time as individual women hide, we have strong visual images of unauthorized women working hard to clean houses, take care of children, work the sewing machines, and pick produce.

These images do not belie the nature of the jobs these women hold nor the economic hardships that are associated with unauthorized labor. Far too many legalized women worked in jobs that did not pay them the prevailing minimum wage. At the same time, amnesty appears to have been associated with a significant decline in of sub-minimum wage payments. For the first time, legalized women and women who were always legal workers are equally likely to earn sub-minimum wages.

In spite of the fact that unauthorized immigration has been part of the public debate for more than thirty years, we have lagged behind in including these workers in our social science studies because to investigate their work lives is difficult. Studies investigating the economic realities of men who are unauthorized workers have become common and it is important for us to also bring unauthorized women "out of the shadows" of social science research.

ENDNOTES

1 IRCA provided for two legalization programs: the "General" legalization program and a Special Agricultural Workers (SAW) program. The SAW population was not interviewed and it is outside the purview of this paper.

2 Sample size and sample selection problems have made it difficult to know whether the results apply to the entire illegal population or are due to the process which generated the sample, for example, a propensity to return to Mexico or to be apprehended.

3 Of the women in this group, 90 percent worked prior to legalization.

4 New labor market entrants are individuals who, for the first time, were not currently enrolled in school and who worked in the labor market more than ten hours during the survey week.

5 In-kind compensation (not observed for these samples) may be higher for private household workers than in other occupations.

6 At the same time, relatively few women were working in the same occupation they started in. For example, only 29 percent of the women who started out as household workers were still household workers.

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AGING IMMIGRANT WOMEN: EXPERIENCES OF SOCIAL POLICIES, PUBLIC ATTITUDES AND PROGRAM SUPPORT

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ABSTRACT

A qualitative study of 25 immigrant women, aged 60 or older, from countries in Asia and the Caribbean, identifies ways in which immigration and social welfare policies, economic issues, lack of vital information, and services which are not physically or culturally accessible, can impact on the lives of this group.

As the numbers and proportion of elders, especially women, in our society rapidly increase, there is a group among them who came from other countries and from whom we have heard very little. Some arrived in early adulthood and are now aging, while others came late in life, especially because of 1965 changes in the immigration law which emphasized family reunification. During the last thirty years, the areas of greatest increase in immigration to this country, and those whose elders have had the least public voice, have been Asia and the Caribbean.

Foreign born women face multiple challenges over their life times in this country: the need to learn another language as an adult, discrimination in employment based on gender and differences in education and training, temporary or permanent changes in social class and sometimes periods of poverty, negative public attitudes towards immigrants, and the complexities of attaining citizenship. For elderly immigrants, challenges also include shrinking availability of certain social welfare supports (food stamps, SSI, health insurance), lack or loss of family care due to immigration and high mobility in this country, and marginalization and inequality due to prevalent agist attitudes and racism.

Older women in general have rarely been asked their experiences or opinions by policy makers or program planners who make decisions which affect their lives (Leonard & Nichols, 1994). In order to begin to remedy this lack of information, the author undertook an in-depth study of foreign born women who came as adults, have been here at least 10 years, and are now aged 60 or older. Qualitative, open-ended interviews were done with 5 women each (n=25) who were born respectively in India, China, Korea, Puerto Rico or the West Indies (Jamaica, Trinidad, St. Lucia). Information was gathered about early lives in their country of birth, the immigration experience, assimilation since that time, and present and future assessments of their lives.

All the women interviewed had been married, although about half were now separated, divorced or widowed. With two exceptions, each woman had borne children and many spoke of the importance of their presence at this stage of life. All but two informants had worked for pay outside their homes, in many cases for a total of 25 to 40 years, while the other two had been active as community volunteers and in child care of family members. The women's education varied from 3 years to having attained a master's degree.

Reasons for and patterns of immigration are always complex with a variety of push-pull factors in the countries of origin and of destination. Some immigrants come to the United States via other locations than their country of birth, others plan only a visit or brief period of work which then stretches into years or decades. For females, immigration decisions were sometimes made by fathers or husbands but, at other times, the woman would decide herself to come and join family here or work (Gabaccia, 1992). Certainly each of those patterns was evident among the cohort studied.

In spite of wide variation in each woman's circumstances and age when she first came to this country, commonalties are apparent. The losses or negative experiences they mentioned included: separation from important family members, the need to learn a new culture and language, hard work and economic struggle, and experiences of sexism and/or racism. A Chinese respondent, for example, described a racist incident:

> *At the market, I was buying the cantaloupe, right. He gave me, the guy, very rude guy, gave me one bad. I bought two. He gave me one bad, one good. So I said, this is bad. What did he say? You don't want them? If you want them, take it. [and then when she resisted] Go back to Hong Kong! Go back where you come from!*

Counterbalancing these were clear gains in terms of eventual higher standards of living, the opportunity to earn and have some control over money, and increased freedom and authority in their roles as women. One Puerto Rican woman described how she has now chosen to live separately from her husband,

> *"I'd rather have my own space because sometimes the men like to say, don't do this, don't do that... I don't want nobody telling me, don't do this. No more bosses!"*

THE EXPERIENCE OF IMMIGRATION

How an individual experiences her arrival and early time here is, of course, influenced in part by who she meets and how she is treated. Some insist, in retrospect, that everyone was friendly and helpful, while others recall what they felt were negative public attitudes towards immigrants. As an older woman from India described it:

> *No matter how much you try to give your best here, you're always considered second rate, right, because you came from another country. You're never considered part, especially when you're colored and you have a foreign name... Whoever comes in legally, they're made to feel as if they're taking the things that rightfully don't belong to them.*

Since policy and public opinion are inextricably intertwined, regulation about who can come, when, for what purposes and for how long have tended to parallel attitudes about various races and ethnic groups, as well as perceptions of immigrants about unequal access to the rewards of citizenship. Thus Puerto Ricans (migrants rather than immigrants but experiencing similar racial, ethnic & economic discrimination) were welcomed in the 1940s and 50s to assume factory jobs, especially in the garment industry, but later were negatively affected by changes in manufacturing locations and practices (Ortiz, 1996). Similarly, many Koreans who immigrated in the 1960s have been tolerated as they pursued their American dream as owners of small businesses but later became victims of complex racial conflicts with African-Americans (Park, 1997).

Immigration policy and regulations often operate at cross purposes with individual needs and goals. Two Chinese women interviewed, for example, came to study with student visas in 1948 and were unable, for political reasons, to return - now for a visit since they had by then become citizens and built a life here - for almost 30 years. Each one told of other Chinese acquaintances who tried to go back and were stopped by US immigration at sea on the Pacific. For another Chinese woman interviewed, the fact that her children were able to get visas to join her many years before her husband could come, was one factor in the eventual breakdown of their marriage. Actions taken by US Immigration were not always experienced as negative, however, as another Chinese woman explained that, newly arrived on a student visa, she was immediately offered a green card during the Tiananmen Square demonstrations.

Several individuals talked about not receiving accurate information, especially at first, about citizenship, public welfare entitlements or basic services such as banking. A Puerto Rican woman, for example, was married to an individual in the US Army but - when marital problems arose - was not aware of her rights to support from the military for herself and her children. Similarly, one of the Chinese women who lives near and interprets for other elderly women who have not mastered English, told a story about a friend misunderstanding promotional material:

> *J.C. Penneys send her a credit card and she does not know it's a credit card. And she took the card and went to J.C. Penneys and buy something and they say, oh you have this card, you don't pay money, don't need to pay cash. Just give me this card. And she comes home. She says, I give you another one, I have two, one for my husband, and the first time you go there, you don't need to pay money, you can get something free!*

Just as more basic information needs to be available for individuals newly arriving in this country, we also need better methods of teaching English to immigrants, and especially elders, because an ability to speak the language is an important factor in accessing and using social services (Tran, 1994). While it was only possible for this study to interview those with a basic proficiency in English, quite a few of the informants told of their struggles to learn the language from TV or movies; they also spoke of others they knew who had not made a similar effort. Learning a language as an older adult is clearly not easy, especially if she is living in a predominantly homogeneous ethnic area. One woman was interviewed at a Korean health center where free daily English language classes are also held, a model which could certainly be expanded to other immigrant community facilities.

ECONOMIC ISSUES

Traditionally misconstrued as the only reason for immigration, economic issues are important motivations and do need to be assessed in terms of the quality of experience once here. During much of their adult lives, many of the women interviewed worked full time outside of their homes, as well as having primary responsibility for housework and child care. The kinds of jobs they were able to find depended, of course, on their skills, experience, education and training - as well as their mastery of English and variations in job availability and attitudes towards their race or ethnicity.

Some of the women have certainly experienced poverty and a reduction of social class status, especially when they first arrived in this country. Two Puerto Rican women talked about initially earning 75 cents an hour in the 1950s in a factory and somehow supporting themselves and one or two children. A Chinese woman described how she managed to live with only $40 a month for food during her first years here in the mid 1980s. One of the Korean women worked as long as ten hours a day for years running her husband's store, including bringing and overseeing her young children until they were old enough for school.

The monthly check received from SSI is critical for many older women immigrants. The individuals interviewed are generally aware and very distressed that cash assistance and food stamps are now denied to legal immigrants for their first 5 years in this country because of 1996 welfare reform legislation (Friedland & Pankaj, 1997). In addition, it is clear that Social Security benefits are important to those immigrants who are eligible for them. Several of the Asian women, in fact, are continuing to work into their late 60s in order to complete the required 40 quarters for eligibility. Even though Social Security is seen by Americans, especially feminists, as discriminatory towards women - in part because it was formulated at a time when women were expected to get and remain married and so receive lifelong support from their husbands - older immigrant women are happy to receive it either in their own right or as half of their husband's allocation. Because the kinds of jobs they have been able to find are frequently poorly paid, immigrant women's Social Security entitlements tend to be low. Some, however, qualify for SSI as well, though for such individuals, total income is unlikely to be more than $600 a month. Most will also receive food stamps.

One Puerto Rican woman talked about how she gets a check every month from her union, the ILGWU, which she is very proud of even though the amount is under $200. One or two who worked in more middle class professions, such as being a teacher or librarian, have received a pension since retirement in addition to their Social Security. Several of the women from India and China are entitled to pensions in their own country, based on years of teaching, but are not permitted to bring that money into this country. The only way for them to spend it is by going home for visits.

OTHER SOCIAL WELFARE SERVICES AND POLICIES - ESPECIALLY RELATING TO AGING

It was enlightening to discover that a majority of the older women interviewed do not and have never been able to drive a car. The implications of this are, of course, profound in our society where public transportation is often poor or non-existent and needed services are frequently distant from the places where people live. Because of this, it is imperative that free or low cost, convenient and courteous transportation services be available. While special transportation for the elderly and disabled does exist in many locations, it is sometimes very unreliable and does not provide door to door assistance or provision for an attendant to go along if the individual is very infirm or cannot speak English. At the best, our public transportation is experienced by immigrant elders as laborious. One of the Puerto Rican women interviewed goes every week to visit and take food to two sons in prison. It takes her all day and two buses and two trains in each direction to accomplish this labor of love.

Housing is another complex issue for elderly immigrants. Coming primarily from cultures where elders have traditionally lived with their children - though these patterns are in the process of changing - it is important that safe and affordable choices of living situation be available to this population. Four of the Indian women do live with their children, sometimes alternating from child to child, as does one of the Puerto Rican women. One Jamaican, one Chinese and one Puerto Rican interviewed are in public housing but the Jamaican individual had been on a waiting list for three years to get to her present location in a moderately poor neighborhood (from a much worse one) only to have $100 stolen from her third floor apartment during her first month there. Another West Indian woman lives in a large house which she inherited from her late husband but, now nearly 90, she is confined to the first floor. Her neighborhood is quite rundown and she attributes her ability to stay there relatively safely to the fact that she lives next door to a police station!

The Older American Act of 1965 provided for a number of services for elderly individuals, including senior center programs, congregate meals and transportation. For some elderly immigrants who live in ethnic enclaves such as a Chinatown or a Puerto Rican section of a city these services seem to include sensitivity to the culture (and language) of those who attend. For others - because of geographic isolation or a reticence of immigrants to be involved in the types of group events provided - this is not the case. For West Indian or Korean women, for example, a church would be the most appropriate location to receive support and help, and for those from India a temple might best meet the same needs. Because of such cultural differences, supportive programming and funding for elderly immigrants needs to be flexible in its location and format in order to truly meet the needs of potential participants.

For women in general, and older women in particular, issues of care given and received are critical. For immigrants, such roles are especially strongly entrenched in their cultural patterns in ways which are usually ignored by policy makers. An expected role of older

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women who have been immigrants, especially if they come to join younger family members, is the provision of care to grandchildren while parents are working. A Chinese woman describes such an arrangement:

> *I have four grandchildren. I only take care of two daughters' daughters. My younger daughter's girl, the father is Iranian, they live next door and have a car dealer. They work very hard from morning till night so after school and in the summer she comes to my house.*

While such care is usually happily provided, there should be some economic recognition of it, if only in terms of a tax credit to the grandmother and/or her daughter or son.

Similarly at another time, care for the older woman may be provided by family members, especially a daughter or daughter-in-law. Such care also has economic, as well as emotional, importance and there needs to be a mechanism for reimbursement. At the very least, the public funding which is available for homemaker or home health aide assistance to the elderly should be available, not disallowed as it is now, to family members who, in most situations, are likely to provide the best quality of care. The daughter of one of the Puerto Rican women interviewed, who lives with her mother and is visually handicapped and on SSI herself, had provided help of this kind when her mother had a stroke. She was not able to be reimbursed in any way and yet her care was clearly keeping her mother out of a nursing home at that time.

Health insurance is very important for women in the 60+ group but not necessarily available to immigrant women, especially those who have not paid into Medicare and/or are not permanent residents or citizens and therefore ineligible for Medicaid. Three of the Indian women interviewed fit these eligibility restraints and their families must purchase insurance for them. One of the Korean women described the situation of her mother coming to join the family in her 80s and, without their knowledge, deciding to stop taking her blood pressure medicine because she feared it would be too costly for her family in this country. Sadly, this action contributed to her death shortly afterwards. Living in this sort of perilous situation where health care must be paid for by the family allows no opportunity for preventive health measures which would be both humane and pragmatic, saving money for families and emergency rooms which must treat all comers whether or not they can pay.

CONCLUSION

In looking at ways to improve the match between policies and services and the actual desires and needs of aging immigrant women, it is important for policy makers and program staff to educate themselves about cultural and family patterns, reasons for immigration, and the meanings for different ethnic groups of seeking and receiving help. While assistance may be needed by elderly immigrant women, it will not necessarily be accepted.

> *Immigrants have chosen to migrate precisely in order to take responsibility for themselves. Designation of dependency may deal a blow to their self esteem. (Sherraden & Martin, 1994, p.371)*

Several of the women interviewed made it clear that they would consider it morally weak to accept any kind of "welfare." As one Korean woman explained:

> *We have so much pride. In Korea if they get help from the government or city, that's low class people! We never think about doing it here. Never. What happened, we had to work and make money.*

Others, for example coming from China where there is universal health care, find it hard to understand how some Americans have no health coverage. All the immigrant women seem to have arrived with ideas of this country as a land of plenty, and several said they were shocked by the poverty here. Similarly, they have observed American elders who are not attended by family and find that disquieting in a land with so much wealth. As a Puerto Rican woman phrased it:

> *Some of Americans just put them in the nursing home. Puerto Ricans stay with your family or in the house. Some Americans put them in the nursing home because the nursing home is so much available. But the house is so available too!*

Immigrant women consistently maintain strong sentimental attachments to their country of origin. At the same time, they appreciate and often enjoy life here because of this society's increased numbers of material goods, ethnic communities where they can seek to maintain portions of their original culture, and the satisfactions they gain from children and grandchildren. They are also eager, however, for fair, accessible, humane, affordable, and culturally sensitive public support and policies as they age in their new country.

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POSTER SESSION

WOMEN IN STATE LEGISLATURES: TRENDS AND EXPLANATIONS

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ABSTRACT

Women's political roles changed markedly over the past three decades in response to changing social conditions. Evidence indicates that gender affects outcomes in communication, leadership styles, policy preferences, media coverage, political participation, and legislative behavior. Given women's heightened political involvement, this paper tests whether state-level variables impact the percentage of women in state legislative seats from 1985 to 1997. Only in the last twenty years have women occupied more than 10% of these offices (on average). The study of women's growing presence in state legislatures is justified by their potential influence on state policies, by their contribution to the pool of qualified national candidates, and by their ability to serve as role models for younger or lower level women. Controlling for the pooled, cross-sectional nature of my data, I test whether state-level characteristics (level of democratization, socioeconomic levels, size of the candidate pool, and legislative pay scale) affect the percentages of women state legislators. I find that these factors are individually significant and collectively explain approximately half the reasons women are elected to state legislatures during the period in question. The monotonic trend of more women elected to legislative office is expected to continue given the increased party competition, strong economy, expanding pool of qualified female candidates, and despite the trend towards professionalization by state legislatures.

CHARTING CHANGE, EXPLAINING SHIFTS

Social scientists describe existing conditions and chart changes very well (Rivlin 1971), but they also seek to explain paradigm shifts (Kuhn 1970) and offer predictions about institutional developments. Over the past few decades a major shift occurred as American women assumed a higher political profile. Changes are evident across arenas — more women are voting, running for office, sitting on the judicial bench, and working in the bureaucracy, private sector, and the media than ever before.

Though women's basic physiognomy has remained unchanged since Aristotle's time, their social and political profiles underwent tremendous alteration (Dobbs 1996). Women moved from the private sphere onto the public stage. Changing social conditions, especially in the past three decades, wrought large-scale alterations that facilitated a more inclusive political environment: affirmative action programs were instituted, more women earned college degrees, work histories were less frequently interrupted to raise families, and women established employment networks.

Women's heightened political involvement begs the question "Does it matter?" Recent research suggests it ***does*** matter; studies show distinct differences exist between men and women in speech patterns (Gilligan 1982; Tannen 1991, 1995), leadership styles (Eagly and Johnson 1990; Witt, Paget, and Matthews 1995), policy preferences (Reingold 1992; Shapiro and Mahajan 1986; Thomas 1989; Thomas and Welch 1991), media coverage (Braden 1996; Norris 1997), political participation (Verba, Schlozman, and Brady 1996), and legislative outcomes (Mandel and Dodson 1992; Kathlene 1994; Mezey 1994; Saint-Germain 1989; Thomas 1994).

Given women's heightened political involvement and the evidence of gender-related differences, the next step is to develop predictive theories and test them for generalizable results. The broad-based nature of women's political gains offers multiple avenues to explore. Specifically, the research presented here deals with factors contributing to variable levels of female membership in state legislatures from 1985 through 1997.

Several scholars have written about women in legislative offices. A substantial body of work addresses why so few women have been elected. Various explanations include: women's unwillingness to run (Burrell 1996; Darcy, Welch, and Clark 1994; Deber 1982), structural barriers (Carroll 1985; Clark, Darcy, Welch, and Ambrosius 1984; Moncrief and Thompson 1992; Rule 1992; Welch and Studlar 1990), media bias (Braden 1996; Kahn 1994; Norris 1997), lack of adequate credentials (Fowler 1993; Fowler and McClure 1989; Rule 1990), and the predominantly male incumbent advantage (Burrell 1996). Another body of work explores what happens when women *are* elected (Diamond 1977; Mezey 1978, 1994; Norris 1997; Saint-Germain 1989; Thomas 1991, 1994). What is needed, however, is a systematic explanation of *why* some states are more likely to elect women than other states. Pooled, cross-sectional time series data will help address that question.

Focusing on women state legislators is important for four reasons: significant change occurred recently; state policy outputs are substantial; the national candidate pool is transformed; and state legislators serve as visible role models. Each justification is discussed in the next section. Following sections present hypotheses, data, and testing methods; relate the findings; and discuss implications of the research.

Recent Changes in State Legislatures

In 1969, less than three decades ago, 301 women were serving in state legislatures. Today almost 1,600 women occupy state legislative office (Center for the American Woman and Politics 1997). Though women have served in state legislatures from 1895, only in the past twenty years has the percentage of women elected to these offices exceeded ten percent (Cox 1996). Today, on average, there is approximately one female legislator for every four male state legislators (21.5% are women), with wide variation among the states. Washington state, with 39.5% women, leads the nation in female representation while Alabama, with 4.3% women, trails behind. Figure 1 graphically depicts the national changes, figure 2 shows regional changes.

Substantial Policy Outputs

Women state legislators elected in 1992 possess different personal and political characteristics than those elected in 1972. Recently elected women tend to be younger, better educated, from more professional careers, and from more varied political backgrounds than their 1972 counterparts (Dolan and Ford 1997). No longer are women in office to serve as "place holders" for dead husbands until the party can select another candidate to support (Kincaid 1978) – after campaigning and winning on merit, they arrive at their positions interested in shaping public policy.

The "gender gap" widened between 1972 and now. Women tend to vote for Democratic candidates in greater proportions than men (Cook 1996) and they favor less violent or more compassionate policy options than those favored by men (Shapiro and Mahajan 1986). Behavioral and psychological gender differences attract scholarly interest when they impact policy.

America's federal system conveys substantial policy-making authority on the states (Erikson, Wright, and McIver 1993; Jewell and Whicker 1994). As women gain seniority in the statehouses they ascend to positions of influence and authority where they have increased opportunities to put a feminine stamp on policy. Although ideological variation exists and women do not embrace a monolithic policy stand, there is a strong likelihood that resulting legislation differs from what male-only legislatures would produce.

National Candidate Pool

Candidates often use a political ladder of opportunity to climb from local to state to national office (Canon 1990; Jacobson 1992). Accumulated resources (campaign experience, fundraising contacts, support staff, credentials, exposure to policy issues, political skills, and party contacts) build up across levels, making races at the top of the political pyramid more expensive, intense, and professional. Women with state level experience are viable candidates for national office. Retirements, scandals, or other circumstances that create open seat races counteract the incumbent advantage (since men have always occupied elected offices, the incumbent advantage is usually a male advantage), opening the door for newcomers of both sexes. As more women with lower-level offices or transferable professional experience emerge, the proportion of credible women candidates and members of Congress can be expected to increase (Herrnson 1995, 51).

Role Modeling

The low number of women office holders has been explained in various ways: the political culture discourages women candidates (Diamond 1977; Darcy 1982; Nechemias 1987); it reflects a traditional unwillingness for women to offer themselves as candidates (Deber 1982); or there are structural impediments (Burrell 1996). Once women decide to run for office, gender does not affect their election prospects (Darcy, Welch, and Clark 1987). Women who confront and overcome obstacles serve as role models for others who can then learn and adapt lessons to advance their personal goals (Jamieson 1995).

Women who break new ground, venturing into male-dominated fields, often suffer insults, ridicule, ostracism, and scorn (Read and Witlieb 1992). Though negative stereotypes haunted early female politicians, by 1992 those stereotypes actually benefited women candidates as voters looked for unconventional qualities (Burrell 1996). More women in office legitimize the vocational choice for other women as well as offer visible models for how to do the job.

The importance of state legislative office and the growing trend for more women to win these seats lead us to question what variablas might predict heightened probability of women winning those electoral contests.

HYPOTHESES, DATA, AND TESTING METHODS

Though much has been written about endogenous candidate variables - ambition, transferable expertise, resources, family ties, prior office experience, and the like - this research focuses on statewide characteristics that could serve as independent predictors for women's representation rates in state legislatures. The following model incorporates levels of democratization, the socioeconomic status of the electorate, the available pool of qualified female candidates, and legislative pay scale. The rationale for each variable will be discussed, a description of the data used to operationalize the concept will be presented, and the expected impact of each variable is given.

Democratization

Political cultures vary from state to state (Elazar 1984; Erikson, Wright, and McIver 1993; Jewell and Whicker 1994). Elazar's typology of political subcultures (moralistic, individualistic, and traditionalistic) is well known and has been used in other studies to assess and predict political changes (Hogan 1997). Another measure of democratization has been produced by Kim Quaile Hill (1994) that reflects objective criteria like structural barriers to voting, party competition within the state, and levels of participation between 1980 and 1986. I borrow Hill's measure to reflect the degree of democratization present in each of the fifty states.

State cultures change slowly, so Hill's measures are repeated throughout the seven data points for each state in the study (1985, 1987, 1989, 1991, 1993, 1995, and 1997).[1] The normalized scores range from -2.5 (Georgia) to 2.4 (North Dakota), with a mean of 0.02 and a standard deviation of .98 (see table 1). Seventeen states merit negative democracy scores while thirty-three states receive positive scores. I hypothesize that a positive correlation exists between levels of democratization and states' percentages of female legislators.

States' Socioeconomic Status

Welch and Sigelman (1982) find people with higher incomes and education levels are more sympathetic to women's rights issues than poorer and less-educated peers. Higher socioeconomic levels have been tied to higher levels of political participation (Verba, Nie, and Kim 1978), higher levels of voting (Wolfinger and Rosenstone 1980), and greater support for women candidates (Jones and Nelson 1981).

Since income and education are correlated (r = .73 in this data set), a standardized composite measure is derived. U.S. Census Bureau data exist for state-by-state incomes for each year included in the study.[2] The percentages of individuals over 25 years of age with a bachelors degree are provided by the U.S. Department of Commerce.[3] Each observation is normalized by subtracting the mean income (or percent of graduates) for that year from the individual observation. The result is divided by that year's standard deviation for the measure (income or education). This procedure transforms the raw numbers into "z scores" that are measured in terms of standard deviations from the average observation. The resulting normalized scores are added to generate each state's socioeconomic level for each year.

This variable ranges from -3.8 (Arkansas in 1985) to 4.7 (Connecticut in 1995) with a mean of zero and a standard deviation of 1.8 (see table 2). The expected impact of higher socioeconomic levels on electing women to office is positive.

Qualified Candidate Pool

The difficulty in identifying likely candidates is an ever-present obstacle in political science. The pool of qualified candidates is always larger than the electoral options presented on the ballot (Fowler 1993; Matthews 1983). Unless a public announcement is made or a person's name appears on the ballot, there is no systematic way for observers to determine whether an individual considered candidacy. A proxy measure is needed to gauge the availability of qualified female candidates.

Every five years beginning in 1982 the U.S. Census Bureau has collected and published details about women-owned businesses. Since business ownership demands skills that transfer to the political realm (communication, resource management, networking, financial expertise, and interaction with the public), I have used these data to measure the state-by-state variability in the sizes of the qualified female candidate pools.

Information for this variable is not comprehensive due to the difficulty in collecting and analyzing such massive amounts of data. Surveys are conducted every five years by the U.S. Labor Department but it takes years to compile and produce findings - 1997 statistics were not available when I contacted the department. Another source, the National Foundation for Women Business Owners (1997), provided missing numbers for 1996. Interpolations based on the available statistics generated credible data points for the missing years.

Arkansas and Mississippi anchor the low end of this variable with each reporting 24% of businesses owned by women in 1985. At the high end of the scale are Arizona and New Mexico with 42% female ownership in 1997. The average across years and states is 33% and the standard deviation is 4% (see table 3). States with more women-owned businesses are expected to have larger candidate pools and therefore are expected to have more women state legislators than states with low levels of female entrepreneurs.

Legislative Pay Scale

The final variable in my model is the pay scale for state legislators. Low pay has long been linked with feminine participation in the workforce (Goldin 1990). Legislative pay scales vary from state to state and I hypothesize that salary rates will affect women's willingness to run and, in turn, women's electoral success rates. This is not a new concept; Diamond (1977) shows the percentage of women in the lower house is inversely correlated with the salary of legislators and Carroll (1985) finds that women are less likely to be elected to legislative institutions where pay and status are higher. A more recent study by Peverill Squire (1992) reiterates this phenomenon. An inverse relationship is expected for the correlation between pay and the percentage of female lawmakers.

Legislative compensation for regular sessions was gathered from *The Book of the States* for 1985 through 1997 (see table 4). The average annual salary earned by a state legislator in this data set is approximately $18,000. Plenty of variation exists among the states, however (the standard deviation is over $14,000), with New Hampshire consistently paying its lawmakers just $100 per anum and California shelling out $72,000 per year to each state legislator since 1995.

Testing Methods

The independent variables just described (democratization level, socioeconomic status, qualified candidate pool, and legislative pay) are regressed on the dependent variable (percentage of women in each state legislature in 1985, 1987, 1989, 1991, 1993, 1995, and 1997). Ordinary least squares (OLS) regression is not used because the error term is affected adversely by multiple observations for each of the fifty states within the data set. Instead, Stata®, a statistical software package, is used to perform the operation and control for errors that could result from employing time series data.

FINDINGS

Results from the cross-sectional time-series regression are shown in Table 1.

Table 1

INDEPENDENT VARIABLES	COEFFICIENT Standard Error	
Democratization Level	0.025 0.007	**
Socioeconomic	0.012 0.005	*
Candidate Pool	1.729 0.436	***
Legislative Pay	0.000 0.000	**
Constant	-0.356 0.143	*

* Significant @ .05 level	R-squared within	0.46
** Significant @ .01 level	R-squared between	0.55
*** Significant @ .001 level	R-squared overall	0.48
# of Observations: 336 # of States: 50 # of Years: 7	F (4, 45) Prob > F	13.96 0.000

DISCUSSION

Results of cross-sectional time-series regression offer support for the four hypotheses at statistically significant levels. The correlation between percentage of women in state legislatures and the states' levels of democratization, socioeconomic status, and women-owned businesses is positive in each case, as expected. Higher legislative pay depresses women's hold on statehouse seats, also as expected.

Unaltered correlation between the variables produces the following results: which indicate acceptable levels of multicolinearity within that data set. Each variable is discussed below in the order of unaltered magnitude displayed in the table (candidate pool, socioeconomic status, democratization, and legislative pay).

	% Women in Legis	Democrati-zation	Socio-economic	Candidate Pool	Legislative Pay
% Women in Legis	1.0000				
Democrati-zation	0.3922	1.0000			
Socio-economic	0.4036	0.2522	1.0000		
Candidate Pool	0.5275	0.0990	0.2409	1.0000	
Legislative Pay	-0.0099	0.1307	0.3856	0.2408	1.0000

Qualified Candidate Pool

Not surprisingly, stronger candidate pools produce better representation by females in state legislatures. The proxy measure of women-owned businesses is a reasonable substitute for qualified candidate pools since gathering accurate information about all potential candidates for state legislative office is an impossible task. Women are steadily progressing in the business world (Bureau of Labor Statistics; Drake 1992; Institute for Women's Policy Research 1997; National Foundation for Women Business Owners 1997). The experience, skills, and professional contacts acquired in the private sector are transferable to the public sector. Women's political involvement has exhibited a unidirectional quality; it continues to increase across levels, regions, and branches of government. More gains are predicted as cultural expectations shift to accommodate vocational diversity; no longer are women's "proper" roles confined to secretarial, teaching, nursing, and home maintenance positions.

States' Socioeconomic Status

Socioeconomic status is another piece of the electoral puzzle. Educated and affluent communities appear more willing to elect women to make their laws (though this assumption should be tested with district-level rather than state-level data). The extended period of peace and prosperity following the Vietnam War coincided with women's statehouse gains; if the economy had soured results from this study would probably be altered. Optimistic economic forecasts and the current wave of political attention on education suggest even greater gains by women are in store.

Democratization

State-by-state variation in levels of democratization presents reformers with substantial challenges. As noted earlier, state cultures change slowly. Expecting uniformity from the fifty states on almost any measure is unrealistic. Perhaps emphasis should be placed on the gains that have been made to date instead of lamenting the need to advance voting rights, party rivalry, and public participation in politics. The democratization measure produced by Professor Hill indicates that two-thirds (33/50) of the states earn positive scores. Of the seventeen states with negative scores, only three (Nevada, Hawaii and Arizona) are located outside the south or border states.[4]

Though change comes slowly, it does come. Party competition has been heightened in the south recently with the Republican party mounting a challenge to the long-held dominance of the Democratic party. The 1996 elections clearly illustrated shifting party loyalties as Alabama, Georgia, Mississippi, North Carolina, South Carolina and Virginia all delivered more votes to the Republican candidates for the House and the Presidency (Cook 1997). Despite the south's continued lag in electing women (see figure 2), steady gains are evident.

Legislative Pay Scale

Legislative pay, the final variable in my model, further illustrates the variability among states. Compensation, length of terms, session duration, and legislative body size vary considerably (Dye 1991); resulting differences in political culture are to be expected. Though professionalization of state legislatures (unlimited sessions, higher compensation, improved staff resources and facilities) has been the norm in recent decades (Squire 1997), collective legislative pay changes have not been dramatic enough to alter results of this study. Using 1992, the widely touted "year of the woman," as a breaking point I regressed pre-1992 data and post-1992 data but achieved the same results as the complete data set delivered. My measure uses only legislative pay, however, while ignoring other key variables like session lengths, staff resources and office facilities (Citizens Conference on State Legislatures

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1971, Squire 1992) - this could be an oversimplification in the model.

If, in the past, professionalization of legislatures led to a "crowding out" effect where attractive male candidates, lured by higher pay and elevated job status, defeated female candidates with lower qualifications and/or electoral appeal, I anticipate change in the future. The pool of qualified female candidates continues to grow and it will be increasingly difficult for males to crowd out females, especially as societal expectations about the propriety of women with political vocations expand.

CONCLUSION

The analyses presented here give women candidates a measure of optimism. Levels of democratization, socioeconomic status, and women-owned businesses positively correlate with electoral success rates and each of these measures seems to be improving in America. Legislative pay scale is negatively correlated with the election of women, but women continue to gain seats despite a trend towards more professionalized state legislatures. Gains made in the private sector have diminished the private sector wage/gender gap (Institute for Women's Policy Research1997) and comparable progress is expected in the political realm. Taken together, the variables in this model explain approximately half the variation in women's occupancy of state legislative seats, but other factors should be examined.

Further study is needed, preferably at the district level, to determine if these conclusions are sound. A relatively strong economy since the end of the Vietnam War could have lured men into lucrative private sector careers, opening the door for women to enter public office. Private sector economic downtrends might increase competition for "safe" political positions and thwart continued growth in female representation. If economic conditions are found to matter, the research presented here is time bound.

External threats (war, crime, or natural disasters) could also impact the public's willingness to elect female legislators. Or, conversely, if faced with medical epidemics (AIDS, biological warfare, or large-scale drug dependency), the public might turn willingly to female candidates in search of a nurturing presence. Tests to measure external threats on a district-by-district basis could be devised and employed to shed light on their electoral impact.

The cross-sectional time series data expose significant trends and the explanations for heightened female legislative presence bear out my expectations. Democratization, the size of the qualified candidate pool, socioeconomic status, and legislative pay affect state electoral outcomes.

ENDNOTES

1 Via personal communication with the author. Hill agreed that extending the data to cover the time period in question is an acceptable approach.

2 Median income for four-person families by state can be accessed via the internet at http://www.census.gov/hhes/income/4person.html.

3 Jennifer Day, U.S. Dept. of Commerce, Bureau of the Census (301 457-2464), supplied annual reports based on sample surveys conducted every March beginning in 1988.

4 Regional classifications are borrowed from the Ornstein, Mann, & Malbin (1996) *Vital Statistics on Congress 1995-1996*. See figure 2 for detailed information.

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PROSTITUTION POLICY AND ITS EFFECTS ON WOMEN

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ABSTRACT

This article offers an overview of the different systems used to govern prostitution. The three basic systems are that of an outright ban, legalization and decriminalization. Each of these have different effects on women and prostitutes based both on the system itself and its enforcement. This paper attempts to describe some of these effects, both on the local and international levels.

INTRODUCTION

There are three ways generally considered to legislate prostitution. The most common is to ban prostitution and make it a crime to prostitute, to procure prostitutes, or to solicit prostitutes. Additionally, this may include criminalization of taking money from a prostitute, or "living off the earnings of" a prostitute. Where prostitution is legalized, it is sometimes heavily regulated, mandating health tests and permitting prostitution in specific "zones" of operation. The venues themselves may be subject to regulations not seen for other businesses. Under decriminalization, prostitution and the attendant activities (advertising, zoning, et cetera) are regulated as any other business and not regulated outside of normal labor and business stipulations.

CRIMINALIZATION

Criminalization is the perhaps the most common legislation of prostitution (and is what is used in the great majority of the United States.) Even as criminalization may be the most common legislation of prostitution, an outright ban on prostitution has never successfully eliminated prostitution. In fact, it in no way ends or even limits prostitution. However, it marginalizes the prostitute, making him or her more likely prey for violence and preventing legal recourse in the case of rape, theft, assault or even murder.

In places where prostitution is a criminal act, it is rare to find a prostitute who will turn to the police for help. The police have been known to entrap prostitutes, to assault or even rape prostitutes, and to encourage and accept bribes to allow a prostitute to work in spite of local laws (New York Times, 1994.) Entrapment is the solicitation of a prostitute or a client by an undercover officer, in order to arrest the prostitute or client. Although it is illegal, some prostitutes describe being arrested by officers to whom they were known, in spite of their activity, working or not (Gauntlet, 1993.) This method of enforcement effectively renders prostitution a status crime (where the crime at hand is existence rather than a particular activity) regardless of how it is legislated.

As if it were not enough that prostitutes are effectively denied police protection from theft and violence, they often need protection from police graft and violence in addition to arrest. convicted prostitutes at the 1997 International Conference on Prostitution in Los Angeles detailed difficulty finding housing and employment, as well as sexual harassment including extorted sex. Criminalization most isolates the prostitute from others, preventing honesty with doctors and other health care providers, preventing legal recourse in cases of violence, and perpetuating stereotypes of sex workers as victims of men, society, and their own lack of wherewithal.

Laws surrounding "pimping and pandering" or "living off the earnings" jeopardize landlords, roommates, lovers, and families including children. It becomes dangerous to do any sort of business with a prostitute, as anyone accepting money from a prostitute may be considered "living off the earnings."

Currently, where prostitution is criminalized, there is often no distinction in the law between child prostitution and adult prostitution. Hence, there is no greater penalty for participating in child prostitution rather than adult activity. This may make runaway and throwaway children and young adults more vulnerable to prostitution. Additionally, the young person may even be arrested rather than offered other sorts of aid.

LEGALIZATION

Legalization usually incorporates regulation of prostitution, as seen in the Netherlands, the Philippines, and Nevada (the most known examples.) The usual effect is to create a red-light district in which prostitution is tolerated, usually with mandatory physical examinations of the prostitutes. This may involve proscription of the sex workers movement. Specific regulations vary. The act may not be criminal in itself, but soliciting or advertising may be. Examples of this include Canada and Denmark. Legalization usually addresses only female prostitution (for example, all Nevada's licensed prostitutes are women.) In some places, prostitutes pay higher taxes than others and do not receive the same benefits of health care and social security as others. This is most notable in Germany and Turkey.

In Nevada, for example, most licensed prostitutes work for three-week stints at a brothel, during which they may not be allowed to leave the brothel (this is at the discretion of the management of the establishment.) Each month, there are mandated examinations with the aim of preventing the spread of sexually transmitted infections. Workers may or may not be allowed to negotiate prices and acts with clients, or to refuse a client, based on brothel policy and management. These workers are consenting adults, but nonetheless may not be allowed to turn down a potentially difficult client. Their health records are not confidential as they are regulated by the state in a way that would be a violation of privacy for any other citizen.

This demonstrates how much legalization is implemented with the intent of protecting the client rather than the prostitute. Unfortunately, this is not an effective way to prevent the spread of sexually transmitted infections as many ailments have a latency period during which they may remain undetected. (HIV is only one example of this.) This system also neglects other health issues that are not explicitly gynecological. In fact, the World Health Organization states that sex workers should not be tested by the state for disease. Additionally, such health checks may make for more difficult negotiations of safe sex. If clients feel reassured that they are seeing a "clean" prostitute, they may resist condom use.

While legalized prostitution may benefit those who choose to practice it in some places, there remain obvious flaws and even violations committed in the name of regulation.

DECRIMINALIZATION

Decriminalization of prostitution is the system most often recommended by prostitutes' rights groups and in the International Charter of Prostitutes Rights (1985.) Decriminalization is the system in place in specific states of Australia and South Africa. Decriminalization offers prostitutes the opportunity to work as each individual prefers—on the street, in a brothel, independently, and without fear of police harassment or corruption. This recognizes that all attempts at outlawing or regulating prostitution have not created any place free of prostitution the world over, nor have they made prostitutes or their clients safe from violence or disease. Decriminalization recognizes sex work as work and so subjects it only to laws governing business, not vice, including labor laws, zoning laws, and taxation.

LEGISLATION ON THE INTERNATIONAL SCALE: TRAFFICKING IN WOMEN

Legislation is frequently the product of public outcry or demand for change and so may at times be implemented when people are appalled at particular happenings or circumstances. This is the situation in the United States right now, with the introduction of a resolution addressing trafficking. Laws concerning trafficking in women are written with the intent of helping women. Unfortunately, they are often enforced in ways that further victimize women. Human Rights Watch documents this well, as do Marjan Wijers and Lin Lap Chew in their book on trafficking in women. One reason that such laws are often harmful is the existence of legislation wherein sex workers are actually hunted by the law. It is under such laws that trafficked women are often prosecuted. Laws prohibiting sex work are actually at odds with laws against trafficking in women. Added to this is the misinterpretation and irresponsible enforcement of anti-trafficking laws. This contributes to the greater detriment of women and their victimization under the very laws that are intended to protect them.

The most known example of such abuses and misinterpretation of the law comes from Thailand. Women who have been victims of trafficking, working in brothels in debt bondage under slavery-like conditions are subject to arrest and imprisonment. This is ostensibly the exact opposite of what was intended and expected upon the introduction of laws addressing trafficking in women.

Local laws in Thailand state that anyone present at a brothel is subject to arrest. This should thereby include patrons, owners, procurers, and any other people in a brothel at any time. This is not implemented this way. However, what most often happens is that the women working in the brothels are arrested and the others present are not. This serves only to further traumatize and victimize the women in these brothels andmay actually benefit the trafficker. Nor is this unique to Thailand: William J. Knisley, a New York immigration lawyer who often represents women arrested in brothels in New York City, described similar happenings in New York in his talk at the Global Association Against Trafficking in Women's conference in Reno, Nevada, October 1996.

Another recent issue of policy implementation is that of granting visas. In some places it has become more difficult for women traveling independently to obtain visas for travel to "destination" countries. This may prevent some migratory prostitution, but it also pushes those who intend to emigrate or travel in the hands of those who can arrange "group travel." Agencies arranging group travel are sometimes façades for trafficking, and so the restrictions on granting visas to individual women may actually push women intent on traveling into the very situations such policy is designed to combat and prevent.

The people most often punished now under trafficking offenses are prostitutes or victims of traffickers, not the trafficker, not the client, not the colluding police and military and immigration officers. In this way, it is the victim who is punished. The factors leading to this include the denigration of women (visible here in the systematic way in which women but not men are prosecuted) and the profitability of such an endeavor (including the money to be made by bribed officials and colluding officers.) This is only made easier when women are less valued after any sexual activity, be it rape or coerced prostitution or sex work. Such moralizing only makes it easier for women to be further exploited and victimized. The criminal justice system and the international community must recognize the rights and needs of women, and of sex workers, before the problems of trafficking can be adequately addressed.

CONCLUSIONS

Considering all the above examples, it becomes more important to think through all the possible ramifications of any legislation, both on the local and global levels, before advocating or enacting any such policies. Follow-up on policy implementation here becomes paramount. Additionally, there are existing laws pertaining to the use of force, kidnapping, debt bondage, forced labor, and slavery as well as physical, mental and sexual abuse already in existence which could be better utilized in efforts to stop abuses of sex workers. It would be a shame if efforts continued to duplicate existing legislation without ever addressing the actual enforcement of these laws. Perhaps greater efforts on behalf of reasonable enforcement with an eye to the intent of the laws at hand as well as pragmatic consideration of whether their goals are actually possible would be more efficacious than additional legislation. This prompts the call for decriminalization of prostitution as the first step toward recognizing that prostitution will not disappear and that other systems governing prostitution may exacerbate problems faced by sex workers and others.

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KYRGYZSTAN WOMEN MAKING CHANGE: EXPERIENCE AND CHALLENGES

Nurgul Djanaeva, Forum of Women's NGOs of Kyrgyzstan

ABSTRACT

Women of Kyrgyzstan after collapse of the USSR were forced to start new thinking and new behaviour. women are taking new social roles and initiate new activities. As a result of this many women organise women's NGOs. Women have practical achievemnts, rural women's NGO "Alga" can be an excellent example of women's working for enpowerment, poverty alleviation. Specialised organisation for consolidation networking was created -Forum of WNGO's with its regular meetings for sharing experience, discussion of joint problems, future plans and development internal training resource center for women.

Forum has analyzed stereotypes of women's role in Kyrgyzstan, revealed male and female distribution of social roles which reflects the disbalance on the decision making level. Our survey showed that people look at women as at good implementators but not leaders.
One of our plans is doing research in gender analysis, but of course with big reliance on practical achievements of women.

Kyrgyzstan is an Central Asian country with a small population around four million. After gaining its independence and after collapse of the USSR people of the country faced lots of tremendous problems. Men and women were forced to start new thinking and new behaviour, relevant to the new social and economical situation. Collapse of the system of social protection also challenged people and forced them to find new ways of self support in the areas where usually state was taking care. Many women found themselves not only unemployed, but without any funds from social funds for dependent children and family. This situation promoted women to take new social roles and initiate new activities. As a result of this many women started individual economic activities. Especially they have contributed a lot to the development in Kyrgyzstan of private small scale international trade. Now we can say that it was due to women's economical trade activities that we have now in the country a diversity of cheap goods available to general population. Shop tours challenged women tremendously in many senses, for example, they were carrying on themselves very heavy things and that put their health under big risk, in foreign countries they were not protected and there was no security for them there, they were robbed, cheeted and there were no mechanisms to protect them. One can continue this list of problems that women faced.

In general women were responding to challenges not by involvement into private activities, which finally was on small scale contributing to the poverty reduction in the country, but also by initiating community services and setting up their own organisations to tackle various problems. In 1992 a third sector - a sector of people's citizenship activities- started. Women participated from the very beginning in this area. It is sometimes explained by the nomadic backgound of Kyrgyz people with big women's independence and high social involvement of them into community life.

Now I would like to share with information about Forum of Women's NGOs of Kyrgyzstan, one of the Kyrgyzstani women's groups, which I represent here and which has reached some results. Forum of women's NGO's of Kyrgyzstan was established in late 1994 as a response to a need of various women's groups to consolidate, cooperate, have regular meetings for sharing experience, discuss joint problems, future plans and. By that time it was obvious that a period of social economic transition had challenged all population, including women and their organizations. We have faced a demand to participate in restructuring our society, our life, to input to democratisation of the country. How can we make life of women free and wealthy? This was one questions, pushing women to participate in civil society development and infuenced on institutionalising networking activities and setting uo a Forum fo women's NGOs of Kygryzstan. In 1994 fall during the women's conference "Changes in the Central Asia" held by dutch donor "Hivos" where representatives of 17 women's NGOs took part , and it was decided to meet regularly. At these regular meetings an idea of forum of women's NGOs appeared as a form of women's joint work with the purpose of information exchange and mutual assistance and consolidation. Since January 1995 the Forum actively works in the abovementioned directions. On the 4th of April 1996 the Forum was registered in the mistry of Justice as a non-profit non-governmental organisation of the republican level. Since 1997 Forum actively working on the Central Asian level, two Central Asian conference were organised in 1998, several trainings were organised for women NGOs, specially tailored training was done for women-refugees. The mission of the organization is the following:

- Consolidation of women's groups
- information provision of women's groups and women of Kyrgyzstan about events in the republic and Central Asia (through its publishing units)
- operational links establishment between women's movement participants, experience exchange and provision of mutual assistance.
- efforts joining of activities of women's groups coordination in their work with women, children, female youth, and old people.
- Interralation with international women's organisations.
- Joint projects development and their implementation.
- Publishing materials to and about women (digest, e-mail newsletter, brochures, ect.)
- development of enterpreunership activities of women.
- preparation and holding of effective and efficient training programmes for development of women and their adaptation to the new changing realities.

Training programmes of the FWNGOK were contributing to the main goal of the organisation (institutional support to women's groups, capacity development of women members of NGOs, consolidation of women's NGOs) Let me tell about the goal of one of our trainings, supported by the local office of UNHCR - capacity development of women leaders, development of women's capacity to represent and protect various refugee rights because in reality refugee women practially don't any representation and their civil rights are most vulnreable. Training may facilitate expanding of women activism among refugee women. The long term expectation is women refugee empowerment and their participation in the process poverty eradication. Forum is hardly working now at the trainings methodology development, for example applying the participatory approach. For this we do work at trainers training, for example recently we started partnership with a specialised training organisation "INTRAC" in Great Britain.

During the independence women in Kyrgyzstan have set up more than 60 women's organizations. History of this movement, of this effort to change life has many failures as well as achievements. There are several NGOs that received good encouraging results. I would like to analyse the activity of one Kyrgyz rural women's NGO "Alga", located in Chui valey of Kyrgyzstan. It was set up by an enthusiastic woman who was very close to me and who lived due to family sircumstances in a village and who has a Master degree and was participating in a PH.D programme in sociology and who is very good in English, as well as in communication with people. She first started working as a part of the Forum and later after some special informal on-job training in the forum was able and interested in facing village women's need and problems. Her commitment was increased by participaing in village women affairs and step by step she successfully organsied a group of active women to combat their challeges. A possibility to keep going on the contacts with a women's network where it was possible to share not only experience but receive information and support contributed a lot to the success of the group. Besides, increasing support in financial as well as in political terms from internaitonal donors and governmental agencies added to the possibility of success. So several factors in combination (personal commitment of the leader, available trainings, existing network, availability of funds and political support, traditional respect to women) made it possible for women's initiatives to succed. Several words about the political support to women in my country. Year 1996 was announced as women's year by the country president, a national programme "Aialzat" and a special state agency on women, family and children for tackling women's problems were set up, local authorities in sites wre encouraged to support women's initiatives.

The question whether the group and activity programme is sustainable or not is impacted at the moment not only by internal but also by external factos like long term support from International donors, political situation, and involvement in the global women's movement. There in Kyrgyzstan many , but certainly not enough, intersting projects led by women. Shelter for abused women was set up, several newspapers for women by women were opened, video vilms were developed about and by women, research is going on about women and gender and by women, special training programmes for women and by women (including for refugee women from war areas of neighbouring Tadjikistan), medical programmes, provery alleviation projects in several rural areas. Also one of the achievements existing and increasing support resources like women's network, resource centers, more, but still far from enough, books and other materials for women on gende, carrer, business, etc. Here lays the challenge that women face, almost all these projects are small scale, and there is a gap between what we have achieved and what we ahve to reach. Women are implemeting their own smale scale projects very often as a part of their more comprehensive programmes. I am personally highly appreciating any help coming to my country from abroad, but we are thinking about the real sustainability that means more then giving to such country like mine, and it expected that the local popupation should be thinking about the better ways of using this help I don't wan't to underevaluate the help. Those big scale projects for women in Kyrgyzstan are designed, strategised and monitored mostly by foreigners, and as a continuation of the old "good" tradition of male domination women may participate in implementation and be a target group of these projects. This means lack of real participation of women on the most important levels of the big projects for empowerment of women.

Women would like and recognize as their responsibility to increase their empowerment , to decrease poverty , to strenghten existing units of the civil society.

Situation in Central Asia is quite unique. It can be describe as III world member from the poverty point of view, from the other side we have very high literacy level, and the remnats of social security: health care education provision system. People are poor, but qualified. High qualification of women, their traditional involvement in social processes provide women lots of advantages, And women are using them to making change. Women have established, and continuing doing it, their own organizations, set up their own agendas, develop strategical plans of changing their world. They have good experience in joining their efforts, several alliances are formed. Specialised organisation for consolidation networking was created -Forum ofWNGO's, various associations of WNGO's are organized.

Women have practical achievemnts, rural women's NGO Alga can be an excellent example of women's enpowerment, poverty alleviation. While making change women not only practically active, but theoretically discuss problems, develop conceptions and try to instumentalise it. One of the such examples is "Participation in globalisation " and "Joint information Space creation". For example we have started a long term consolidaiton programme based on the conception of the instrumentalisation of the regional network. As first steps were two central Asian women's NGOs conference organised and a common is being wrked on at the moment. A project was developed to computerise the netwrok. As a part of the programme of consolidaiton is our research and trainjing activity aimed at setting up a Central Asiam Women Studies courses. Women face lots of challenges. One of them lays in the implementation of women's capacity development programme. Kyrgyzstan doesn't have it's own internal sustainable specialized training resource like "Women's studies", which is absolutely needed a our marceting has showed. Forum of WNGOs is trying to develop a master degree programme in women Studies. We have designed a project proposal , we have received from several institutions some resources like curricula, books, teaching materials, but we don't any partnership for its development and we are searching for it now as well as for funds.

Although, women are actively participating in making changes, still male_traditions and visions set up in politics, legal economical areas. Are still very hardly but definitely impacting women's social roles.

It is true that there are two types of existing realities. First legally women in kyrgyz Republic are equal in politiacl , economical educational and many other areas and term. But the second reality is the one that is hidden and internelised. We are facing "internalized oppression" and "internalized domination" (see Gail Phetorson, in ,"Bridges of Power"). Male traditions - if to look at the political arena and see the gender balance there is no dount about the male domination. For example only x women are in the parliament, x women are taking ministerial positions, among other decition making positions we can see the same situation (of about 40 university presidents there about are three women). So practically most important desicisions are done by men and these men have not passed any special gender training which means that they are not prepared to take into consideration such a factor as gender interests. I myself have experienced many times when my initiatives were not percepted adequately because of my gender and sometimes age. Women don't have enough social "weight" for making decisions, especially on high level.

One of our women's conferences in 1995, that analyzed stereotypes of of women's role in Kyrgyzstan, revealed this male and female distribution of social roles which reflects the disbalance on the decision making level. Our survey showed that people look at women as at good implementators but not leaders. Overcoming this internalized male domination is one of the challenges. One of our plans is doing research in gender analysis, but of course with big reliance on practical achievements of women. That will promote the historial shift in new gender paradigma. Last year in Kyrgyzstan women's NGOs have participated in the gender expertise of the the country legislation and this action tells much about women's plans. Recently women's groups made their voice heard in the preparatory work for new law on nongovernmental organisations in the country. So individual and group women's activism is covering more sectors of life - economical legal, political.

We can tell that the new political and economical situation in the country has impacted on women and produced a shift in women's paradigma of thinking and attitute to life. Women definetly are more active, girls are more career oriented, more gender sensitive, started to make life goals, shifted t strategise and plan and prioritise their life values and life expectations. The same shift in the public opinion towards trust to women leadership is going on.

Leadership development among women results not only in increase in community life involvement but also in begining of various dialogues between women's NGOs. Women leaders are initiating joint discussions of problems on local and regional level. Networks are set up to facilitate this.

Are women ready to represent their interests and visions on public arena? Here we can see lots of challenges. First we need special training in leadership, more research on gender issues, better and more active support from our own government, better financial support for women's initiatives, bigger and better links with world women's organisations for sharing information and experience.

For women's better impact and participation in the life increase and their efforts towards sustainability (organisaitons, programmes, projects, etc.) to be successful development of strategy is important. Forum of women's NGOs is trying to develop its strategical plan, and achieve expected results. But all groups need support in developing their strategies in the form of sharing internaitonal groups experience sharing. Donors, who have a tremendous influence on the women's NGOs in Kyrgystan, should also share their strategies towards women's movement with women's NGOs, start discussions and make it really working towards the sustainability. In this sense I'd like to mention dutch donor organisation "HIVOS" who can be a good example of participatory approach snd good tradition of disseminating, in developing and discussion of its political papers on women, which was translated into local language, distributed and discussed among women's NGOs and beside, while preparing its five year plan for supporting asian NGOs, women from Kyrgyzstan were invited to gave their comments, and vision as well as any suggestions for change. What I want to say is that openness of any institution(state agencies, donor organisations, NGOs supporting NGOs, etc.) participating in the promotion of emerging women's movement is highly important for contributing to better understanding of the vision, perspectives and methodology as well as the whole philosophy of women's activism. Lack of this opennes hinders the effective development of the institutional development of women's NGOs.

Finally, I would like to say that we, women in Kyrgyzstan, are willing now to develop on deeper and more professional level special research on women, gender and development to make the ongoing women's activism more visible, efficient and fruitfull and we, women from Kyrgyzstan hope to find at this conference future partners for it.

THE GENDERED FACE OF LABOR ARBITRATION: THE CASE OF THE MISSING JUDGES

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ABSTRACT

This paper is an inquiry into the prevalent myths regarding arbitrator acceptability. The question is whether they are the cause of the limited success which women have had breaking into the field of labor arbitration as neutral arbiters. The findings are that despite the background similarities between male and female arbitrators, the factors which predict acceptability and selection are very different for men and women. Case determinations and rationale are virtually the same regardless of the gender of the arbitrator. Despite this, and despite the increasing numbers of women in the workforce, as of 1994, the number of active women arbitrators remains less than 175 women nationwide, 11.7% of the total pool of 1457 active arbiters.

The point of view from which a dispute is seen by the decision maker affects both "the substance of the dispute ... [and] the process by which the dispute is resolved." (Korn, p. 68) Despite this recognition and the fact that there are more women in the workplace, there are still very few women arbitrators. Labor arbitrators are independent dispute resolvers hired by parties to a collective bargaining agreement to hear and decide unresolved workplace grievances. According to Federal Mediation and Conciliation Service (hereinafter FMCS) data, as of 1994, out of a total pool of 1457 active arbitrators available on the national panel only 170 (11.7%) were women. The question is why there are still so few women labor arbitrators.

Labor arbitrators are usually chosen on a case by case basis. Lists of arbitrators to serve as 'private workplace judges' are available for a fee from a number of private profit and not-for-profit organizations, state agencies and the FMCS. Accompanying these lists are short biographical blurbs describing the background of each of the individuals listed.[1] According to the most recent survey of active arbitrators, age, amount of prior experience, activity (or visibility) in professional arena including bar associations, and law degrees are the factors which have the greatest positive influence on an average arbitrator's caseload, i.e. selectability. (Bognanno, p. 98-99) In addition, many parties assert they choose arbitrators based on the arbitral reasoning in the case opinion. (Briggs). The claim is that women, newer additions to the panel, are younger, reflect less overall experience and less arbitral experience than their male counterparts, and do not have the same overall qualifications as do the men. (Bognanno, p. 38-39).

The myth is when women arbitrators start to "look like" the men they will be selected to hear more cases and the greater demand will cause us to have more women arbitrators. Our goal was to test this myth. Our theory was that if this myth has any basis in reality, the majority of men and women selected to serve as labor arbitrators should a) biographically look alike, b) have similar expectations of being selected, c) decide cases similarly, and d) selection predictors should be similar types of factors, be they biographical or decision related, for both sexes.

BIOGRAPHICAL FACTORS

Using the categories of education, prior work experience, prior arbitral experience, and familiarity to the parties (number of years name appeared on the lists of available arbitrators), we proceeded to test the validity of the myth. Using data on nomination and selection of arbitrators as of fiscal 1994, the last year for which we have complete data from the FMCS, we first compared the biographical characteristics of male and female arbitrators.

Education and Expertise

Approximately 62% of the arbitrators are attorneys: 62.2% M and 63.4% F). As a whole, the highest degree figures numbers were remarkably uniform: 40% of men and 40% of women had earned a degree beyond their bachelor's although men tended to have earned their degrees earlier than did women.

Prior Work Experience

Approximately 42% of both male and female arbitrators had prior teaching experience of some sort. 84.7% of female arbitrators and 99% of male arbitrators had some form of prior governmental work experience.

Prior Arbitral Experience

Proportionately slightly more women were members of the National Academy of Arbitrators (hereinafter NAA) than their male counterparts: 40% of women arbitrators versus 38.3% of male arbitrators.[2] Over 80% of male and female arbitrators were listed on panels of arbitrators other than FMCS.

Familiarity to the Parties

The greater number of years an arbitrator's name appeared on panels, the more likely the individual had a higher level of combined experience: (+ 217 for men and + 317 for women).[3]

Biographically the women look very much like the men.

EXPECTATION OF SELECTION

When women are nominated, their expectation of being selected is not that much different from men's. By 1994, the national average was 23 nominations per selection for a woman and 19 nominations per selection for a man. In other words, the woman's name had to go out (be nominated) on a panel 4 more times than did a man's for her to be selected.[4] When duplicates and names without any appointments were factored out, the result was almost identical: 33 for women and 32 for men, virtually identical.

SELECTION PREDICTORS

In 1994 'selectable' male arbitrators were attorneys who had graduated from college earlier and had been on the FMCS panel longer than other arbitrators. Their background fit the pattern anticipated to favor selection. However, this was not true for female arbitrators. A woman did **not** have a greater likelihood of selection if she was an attorney, was listed on other panels (a familiarity measure), had an earlier year for achieving her highest degree, or was a member of the NAA (a surrogate for arbitral experience). The only positive predictors for women arbitrators' selection were length of time on the panel and the highest level of education attained. Neither factor alone indicates age, experience or expertise.

It is clear that women were being chosen for the different reasons than were men. If prior arbitral experience was important for women to be selected, then criteria such as NAA membership or inclusion on other panels (non-FMCS) should have been positive selection predictors. They were not. If extent of prior work experience was valued, positive predictors should have included the earliest year for any work experience, the earliest year for achieving the highest degree or the combined experience variable which added these two numbers to the first year on the FMCS panel. None of these factors were positively significant for women. If experience with legal hearings and logical approaches to contractual interpretation and problem solving were valued then being an attorney should have proved a positive predictor for selection. It was for men but not for women. Only the familiarity factor variables were positive predictors for arbitrator selection for both sexes. Thus, the 'objective' selection model did not apply to women arbitrators.

DECISION MAKING

The other possible rationale for the disparity in male/female selection predictors was that selection was based on the way the arbitrator approaches decision making, that women do speak with a "different voice." To test whether women in fact have a different way of conceptualizing workplace problems, comparison was made of decisions and reasoning in published opinions of both male and female arbitrators. The findings substantiated those of prior studies: there is no direct relationship between gender of the arbitrator and the outcome of the case. The grievant prevailed in 54% of the cases when the arbitrator was male and in 55% when the arbitrator was female.

Because decisions often revolve around the amount of ambiguity any given oppositional factual situation presents, controlling for the relevant factual prowess of the grievant's case ("factual power"), the amount of ambiguity the facts presented and the characteristics of the arbitrator, the regressions showed that neither the gender of the grievant nor the gender of the arbitrator are significant in predicting the outcome of the case when the arbitrator is female. Even though there is a significant correlation between female grievants and female arbitrators (female grievants win with female arbitrators 73% of the time as opposed to only 48 % for male grievants), when controls are added for case relevant facts the gender of the grievant is not significant as a predictor of the outcome of the case. When the arbitrator is male, however, the gender of the grievant does significantly affect the outcome: male grievants will prevail more often if they have male arbitrators regardless of the factual indications.[5] In terms of the total number of cases decided, however, the gender of the grievant notwithstanding, case determinations and rationale for decisions are virtually identical for all arbitrators, regardless of their sex. Unless it can be shown that more cases involving female grievants are ambiguous or have less compelling factual bases than those involving male grievants, a finding not supported by this research, it appears that women arbitrators do not speak with a "different voice."

CONCLUSION

The reasons for the absence of greater numbers of female arbitrators have no basis in their biographical qualifications. Selection rationale for women are unrelated to their overall qualifications. The myth that the reason women are not selected because they do not have the same qualifications as men or because they decide cases differently than men has no foundation. With this realization perhaps we can start developing a way to infuse more women into the labor arbitration panels and effect a more gender neutral merit selection system for choosing our 'workplace judges.'[6]

ENDNOTES

1 Selection decision processes vary according to the dictates of the collective bargaining agreement. Numbers of possible arbitrators presented to the parties vary from 7 to 21 names for any given case. For more detailed information on the process and customs that surround it, *see generally* Elkouri & Elkouri.

2 Eligibility for membership in the National Academy of Arbitrators requires a minimum of 50 cases in five contiguous years of arbitral experiences and is commonly taken as an indicator of arbitral experience. Membership is conferred and is not automatic. See, Gruenberg et.al.

3 There is no specific age figure included on the biographical data forms provided parties. Since parties would have to make an assessment of age based on experiential information included on the biographical sheet, a similar method of approximation was attempted when the data was translated into numerical equivalents. Standardized weights were assigned for the earliest year of work experience, the earliest year the name appeared on the panel and the earliest year of a higher degree. These three figures were then combined into an additional variable labeled "Combined Experience."

4 Expectation of Selection ratios reflect the number of nominations necessary to effect one appointment. They change markedly according to geographical region. This is based in part on the widely varying size of the available pool in the different areas of the country.

5 Female grievants have a better chance of succeeding in arbitration than male grievants, regardless of the gender of the arbitrator. The overall male/female grievant success rate is: 63% of the women grievants win whereas only 51% of the male grievants win. See, Crewes and Hoyman (1998) Table 3.

6 Tables and additional information about the research available upon request of the authors.

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GENDER ISSUES AND EVOLUTIONARY PROCESSES: A LONGITUDINAL CASE STUDY OF A WOMEN'S SUPPORT NETWORK

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ABSTRACT

A presentation of a qualitative, longitudinal case study of a women's support network and the significance placed on gender issues and evolutionary processes. The purpose of this study was to explore the evolutionary processes of one women's support network, utilizing a feminist and phenomenological theoretical framework. Findings included support network development: (a) experiences that emotionally connected women, (b) processes that facilitated the evolution of networks, (c) processes that created supportive environments, (d) processes that sustained supportive environments, and (e) support networks adjunct relationship with professional services. Conclusions and implications in practice, as identified by the women, were presented.

STATEMENT OF THE PROBLEM

The statement of the problem developed from a need for professionals and educators to increase their awareness, knowledge, and skills regarding gender and its impact on women. Previous studies identified that informal support network relationships enhanced the success of formal counseling services for women, however, sparse information was available regarding specific qualities within informal network groups that increased the success of these services. All five research questions identified in the study directly related to gender issues and evolutionary processes.

This study explored: (a) experiences that bonded or emotionally connected women of an informal support network, (b) processes that facilitated the evolution of a women's support network, (c) factors within a women's support network that created a supportive environment, (d) factors within a women's support network that sustained a supportive environment, and (e) how a women's informal support network could function adjunctly with formal mental health services. This presentation addressed both the issues of health and well-being (specifically mental health and self-esteem) and social indicators of women's status across place and time. Additionally, the longitudinal nature of this study addressed the need for research regarding sexual orientation and the full life-cycle of women from girlhood through old age.

THEORETICAL FOUNDATION

A feminist and phenomenological foundation added significantly to this qualitative research process by encouraging active involvement from participants to substantiate their individual descriptions and accurately presented a collective world view of one women's informal support network. By adopting this theoretical foundation, the researcher encouraged the women in this study to share personal experiences during the interview process and, thus, allowed meaningful themes to emerge that described their support network experiences.

SAMPLE

The sample involved a group of 24 women who met in the mid 1970s in an outdoor environment as part of a work experience and have maintained their relationships for more than 20 years. The majority of the women in this case study identified that their primary relationship was with a woman, who was not a member of the group. Based on the amount of reported contact among these women (e.g., letters, telephone calls, vacations, gatherings, etc.), a determination was made that emotional, supportive bonds existed to the extent that these persons could be considered a support network. Demographic information of the women participants is described in Table 1.

Information-Collection and Analysis

The information-collection procedures used a three-fold qualitative research design that included: (a) individual interviews, (b) demographic information (residential, educational, occupational, and relationship histories), and (c) researcher's journal of observer-as-participant notes. The information-collection procedures took place during a three-day gathering at a retreat facility selected to simulate the outdoor environment where the women met more than 20 years earlier. Audiotaped interviews were conducted at the gathering in a location chosen by each woman and lasted for approximately one and one half to two hours each. The verbatim transcripts were analyzed using QSR NUD*IST 3.0 software for qualitative information analysis. QSR NUD*IST 3.0 searched the text with 18 different functions specifying five categories of relationships within the coded text: collation, contextual, negation, restriction, and tree structural.

Copies of the transcripts, an audiotape of the interviews, and Transcript Verification Forms were mailed to the women for verification checks before the information analysis to confirm the accuracy of each transcript. The completed text included was confirmed by the individual women and as well as the group.

FINDINGS

Research findings were divided into two categories: (1) women who were interviewed at the gathering and (2) women who were unable to attend the gathering due to last minute family illnesses but were subsequently interviewed. During analysis, however, duplication of themes was noted and these two categories were collapsed into one. Findings were reported as they applied to the women's descriptions of their own support network experiences and as they applied to the women's perceptions of other women's support network experiences.

Research Question 1: What were the experiences that bonded or emotionally connected women of an informal support network. Identified themes were: Significance of the Summer Camp Experience, Uniqueness of the Summer Camp Experience, The Feeling of Community, Twenty-Four-Hour Schedule, Relationship Qualities, Lesbianism, and Family. Identified themes for other groups were: Community and Spirituality, Women as Friends, and Relationship Qualities.

Research Question 2: What were the processes that facilitated the evolution of a women's support network over time? Identified themes were: Contact Among Women, "Grapevine" Communication, Aging Processes, Lesbianism, and Professional Development. Identified themes for other groups were: Contact Among Women, Relationship Qualities, and Gender Differences.

Research Question 3: What were the factors within a women's support network that created a supportive environment? Identified themes were: Network Qualities, Trust and Safety, Commonality, Lesbianism, and Children at Summer Camp. Identified themes for other groups were: Integrity, Acceptance, Commonality, Diversity, and Group Formation.

Research Question 4: What were the factors within a women's support network that sustained a supportive environment? Identified themes were: Summer Camp, Communication, Commitment, Gatherings, "Good Old Women's" Network, Family Development, and Children. Identified themes for other groups were: Group Dynamics, Mutual Assistance, Leadership, Trust and Safety, Commitment, and Common Bond.

Research Question 5: How can women's

Table 1
Demographic Information of Participants

Ages:	6 younger that 40 years 15 between 40 and 49 years 3 50 years and older
Residential Histories:	
Past:	16 lived in the state where Summer Camp was located
Present	14 lived in the state where Summer Camp was located 10 lived in 6 other states in the Mid-west and West
Education:	
Highest:	4 less than a Bachelors Degree 10 Bachelors Degrees 10 Masters Degrees
Areas of Specialization:	teachers (6) registered nurses (3) service technician (1) accountants (2) legal secretary (1) hospital administrator (1) artist/entrepreneur (1) sign language interpreter (1) therapists/counselors (2) veterinarian technician (1) social worker (1) biologist (1) convenience store manager (1) non-profit coordinator (1) security guard (1)
Salaries:	6 earn lower than $20,000 5 earn between $20,000 and $29,999 4 earn between $30,000 and $39,999 9 earn higher than $40,000
Relationships:	
Primary Status:	4 single 5 married 2 separated 4 divorced 6 co-habitating 3 "other"
Children:	16 biological or adopted 5 step or co-parented
Partner:	15 female 1 "either" 3 male 5 no current relationship

support networks function as an adjunct to counseling services? Identified themes were: Ability to be Taught and Experiential Learning. Themes for other groups were: Counseling Experiences, Gender Issues, and "The Place."

DISCUSSION AND RECOMMENDATIONS

The purpose of this research was threefold: first, to explore the phenomenon of longevity processes of one women's informal support network; second, to focus on the feminist theoretical principles of relationships and support; and, third, to enhance formal counseling services for women utilizing informal support networks. Although the principles of feminist theory included numerous underlying tenets, counselors needed to be aware of and sensitive to the significance of relationships and support when working with women clients. Because the literature validated the importance of relationships and support networks for women, counselors needed to be assisted and trained to actively encouraging women to utilize their support networks in conjunction with formal counseling services.

Recommendations were offered for utilization of these findings regarding women's informal support networks working in conjunction with formal mental health services for women. The recommendations offered by the researcher and the women included the assessment and revision of: (1) graduate training programs, (2) graduate training program curriculum to include feminist therapy principles, (3) mental health service delivery, (4) the "business" of mental health, (5) mental health professionals acknowledgment of sexual orientation issues, (6) increased utilization of women's support networks in mental health services, and (7) increased awareness of gender issues by mental health professionals.

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PUBLIC HEALTH DETERMINANTS OF HIV TRANSMISSION AMONGST COMMERCIAL SEX WORKERS IN INDIA

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ABSTRACT

The epidemiology of transmission of HIV in India is unique. Commercials sex workers (CSWs) have a high prevalence rate and are largely responsible for increasing the prevalence of HIV in the general population. This paper looks at the determinants of transmission amongst CSWs. In addition to how the epidemic is spreading into the general population. Policy measures that have been implemented are discussed, and potential policy recommendations to reduce the transmission rate amongst this population are considered.

The first cases of Human Immunodeficiency Virus (HIV) infection in India were reported in 1986. The World Health Organization (WHO) estimates that by the year 2000, India will probably have the largest number of infected individuals of any single country in the world (Jain et al., 1994). The official number of documented HIV infected individuals in 1994 was 15,000 people. Representatives at the Indian Health Organization state that estimates are grossly underrepresented. There were actually close to two million people positive for HIV and that by the year 2000, India will have approximately 30 to 50 million HIV positive people (Imam, 1994). India has the public health community most worried because of its enormous potential for transmission. This concern stems from the size of its population and the prevalence of potential co-factors for transmission (Berkley, 1993).

The first documented cases of HIV in India were all among commercial sex workers in the southern city of Madras (Bollinger et al., 1995). It is believed that the virus was brought to India by foreigners who passed it on to CSWs. This is evident in a study that found that contact with non-Indian clients was the only statistically significant variable that was different between HIV-positive and HIV-negative women (Jain).

The prevalence of HIV infection amongst CSWs varies due to inadequate surveillance. Most studies show on average 30-45% of CSWs in urban areas is infected with HIV (Mehendale et al., 1995). Prevalence amongst CSWs has increased significantly as the epidemic has progressed. In Vellore, an estimated 1.8% of CSWs were infected in 1986, while 28.6% were found to have the virus in 1990. In Mumbai, 1.1% of CSWs were infected in 1985, but in 1992, 34% of CSWs were HIV positive (Jain).

The high rates of HIV prevalence in the CSW population is a public health problem in and of itself. However, the public health community is more concerned that CSWs serve as a catalyst to spread the virus into the general population. The HIV epidemic in India has been driven by multi-partner heterosexual contact; unlike in Western countries male homosexual contact is the main mode of transmission (George et al., 1997).

Transmission from CSWs to the general population has several routes. Studies have shown that sexually transmitted diseases (STDs) prove to be a risk factor in the spread of HIV (George). Many CSWs do report having STDs currently or in the past, specifically genital ulcer disease (Rodrigues et al., 1995). Genital ulcers facilitate the spread of the virus from the CSW to the male client. Clients subsequently transmit the infection to their wives, who ultimately pass it to their children (Jain). The male to female ratio of HIV infection in India is 5:1; female cases are mainly CSWs. This ratio suggests that men having sex with a much smaller population of CSWs constitutes the main mode of transmission (Pais, 1996).

CSWs play another important role in spreading HIV to the general population. Routine screening of blood banks in various cities in India has revealed that professional blood donors represent an important population at risk for HIV infection in India. A large portion of the blood demand in India is met by paid donors (Bollinger). The donors infections are mostly due to frequent contact with CSWs (Pais). As in parts of sub-Saharan Africa, an 'AIDS highway' exists in India as well. Truck drivers frequent CSWs and represent an important high-risk group in India (Bollinger).

CSWs and their clients provide a point of contact for HIV transmission amongst disjointed populations (Asthana and Oostvogels, 1996). The impact of CSWs with HIV may prove to be catastrophic to India. It is important to understand the determinants of HIV infection amongst CSWs.

Certain cultural factors that determine the susceptibility of HIV transmission in CSWs. More than half of all girls that enter the sex trade in India come from extreme poverty or troubled families. In the sex trade, the women remain isolated. Their main contact is with madams, pimps, other CSWs, and nochis (a man who acts as a husband and provides support to the CSW) (Singh and Malaviya, 1994).

Research has shown that CSWs have limited knowledge of HIV. In one study, only 24% of interviewed CSWs had ever received detailed information about AIDS. Only 60% knew that HIV could be transmitted through sexual contact and only 3% knew that it is possible to transmit HIV if infected and asymptomatic (Bhave et al., 1995). Information that the CSWs did receive came from fellow sex workers.

Researchers have developed what they call an index of societal vulnerability to HIV/AIDS. The index is a measure of social services, level of education, and position of women in society. They place India in the category of high vulnerability (Pais). India must bring about a certain level of societal change (i.e. - education, empowerment of women) if it is to reduce the vulnerability of its people to HIV.

Chakraborty et al., 1994, found that 1.1% of CSWs reported regular condom use. The behavior of using condoms would significantly reduce the risk of HIV infection. However, both CSWs and madams are concerned about losing business if condom use is insisted upon. In one survey, not one CSW would refuse a client who did not want to use a condom (Bhave). Education on the benefits of behavioral changes in reducing HIV transmission rates is necessary. Information alone, without improved condom availability or support of the madams is insufficient. Studies have shown that the great majority of these women are illiterate and may have difficulty in understanding basic concepts about transmission (Bhave).

The population at question here is poor, uneducated, women. Due to the social structure of the sex trade, the CSWs must share their pay with the madams and pimps, who usually get a larger proportion of the profits. Women have traditionally been had a subordinant role in Indian society and therefore CSWs tend to extend this role into the sex trade social structure (Asthana).

Most CSWs are aware that medical care of some kind is needed when infected with a STD. However, because of the stigma attached to prostitution, these women are reluctant and inexperienced in asserting themselves. Few CSWs ever receive adequate treatment for STDs and rarely go to public hospitals for fear of being identified as a sex worker. Instead, they attend private STD clinics in the red-light areas, where inadequate or inappropriate treatment is often given (Bhave).

Government policy measures are important. After the first few cases of HIV infection were reported in India, the initial government and community responses were that of ignorance and panic (Bollinger). In 1989, the Indian parliament passed a quarantine law, and some members attempted to make HIV report-able. Prostitution is illegal in India, and therefore the government decided to treat the CSWs as criminals and not diseased patients.

The Indian Council of Medical Research (ICMR) opened 30 centers aroend the country that collected seroprevalence data shortly after the first cases of HIV/AIDS were reported (Jain). Before this efforts to control HIV transmission in India were "limited to public calls for the quarantine of HIV patients, a return to "cultural heritage", the restriction of foreigners, and the denial of access of HIV patients to health care" (Bollinger).

Since this initial response, there has been some commitment on the part of the Indian government and the ICMR to focus resources and priorities on controlling the HIV epidemic in India. "AStrategic Plan for Prevention and Control of AIDS in India for 1992-1996" was developed by the government in 1991. The government has received $84 million from the World Bank in loans to finance HIV prevention programs.

The National AIDS Control Organization (NACO) was established in 1992 to coordinate all HIV control programs for the government (Bollinger). The NACO began an anonymous reporting system to end the quarantine law. The NACO, with support from the ICMR and the WHO, trains epidemiologists in a sentinel surveillance program. NACO has also established the Blood Safety Programme to improve the safety of the supply. The program requires mandatory HIV testing of all blood products.

The government programs are flawed. The health minister of India has admitted that NACO programs are not progressing well. The almost $70 million that NACO had budgeted for 1992-1997 had been under-spent by between 14-32% in most cases (Imam). There is little mention in the literature of government programs that help CSWs. There has been less attention focused on the need for community participation and the increased involvement of non-governmental organizations (NGOs).

Interventions for retarding the rate of HIV transmission amongst CSWs have been attempted in mostly urban areas. Two examples of prevention programs will be discussed. The first is an intervention conducted in Mumbai in 1995 by Bhave et al. The intervention group was a cohort of CSWs and madams from one brothel and the controls were CSWs and madams from another brothel.

It is difficult to gain access to CSWs or madams. A clinic run by the project staff giving services only for CSWs was created near the brothel. An effort was made to develop a rapport with the women, show genuine interest in their welfare, and provide basic health services and referrals. Staff motivated women to come to the clinics through community liaisons. All of the CSWs were tested for HIV infection. Information on sexual practices, condom uses and knowledge of HIV was collected. The baseline level of knowledge about HIV and experience with condoms was extremely low among both CSWs and madams. Only 24% of CSWs had ever received specific information about AIDS, and 21% said they got this information from friends. Only 60% knew that HIV could be transmitted through sexual contact, and only 3% knew that condoms could be protective. Of the CSWs, 96% expressed fear of contracting AIDS and the desire to obtain more information was great. The baseline prevalence of HIV infection was 47% in the intervention group and 41% in the control group.

Use of condoms was low before the intervention. Only 1-2% would ask clients to use condoms, and almost none would refuse a client who did not want to use a condom. The majority, 98%, claimed they were afraid of losing clients if they insisted on condom use.

Subjects in the intervention group underwent a 6-month educational program. In addition, free condoms were distributed. Correct condom use was taught and was promoted as a way of preventing pregnancy and STDs.

Blood tests and the questionnaire were readministered to all subjects at both sites immediately after the intervention. Women then reported increased levels of condom use, and some 41% said they were willing to refuse clients who wouldn't use them. Of the CSWs in the intervention, 28% said they always used condoms. Additionally, 41% said they would refuse clients who did not want to use condoms (compared to 0% at baseline).

The second was a two-year intervention conducted by Singh and Malaviya in 1994. The program was used to increase condom use in CSWs in Delhi. Educational programs and discussion groups were introduced. The results showed an increase in regular condom use from 20% before the intervention to 50% afterwards. These two interventions summarize the general type of preventive efforts that have been found in the literature. The first program was the stronger one because it tried to gain the trust of the CSWs and make the educational material easy enough for them to understand. Assimilating into the environment was extremely important for the success of this intervention.

The first intervention's attempt to assimilate into the community should be discussed further in terms of policy development. The concept of community participation in the planning, implementation, and management of health projects is important in HIV prevention efforts. According to the WHO, support should be given to integrate community-based strategies (Asthana and Oostvogels).

New policy should first be geared at improving HIV surveillance. India needs to institute a standardized surveillance system to provide data needed to design and implement appropriate interventions. Surveillance is the only means by which to identify target populations for preventive efforts. Early detection and treatment of STDs is essential. Recently, the NACO has made STD control an important component of its AIDS control program. Priorities of STD programs would include, promoting condom use and case management of STD patients. Management includes not only diagnosis and treatment, but also education and counseling on treatment adherence, risk reduction, condom use, and partner notification (Van Dam, 1994).

Since many physicians refuse to treat CSWs, NGOs should attempt to work with alternative healers when implementing programs. Many patients with symptoms of STDs may consult non-allopathic practitioners (e.g. ayurvedic or homeopathic) (Kantharaj et al., 1995).

Policy measures should attempt to make condoms more accessible and affordable to CSWs. Condom use is the only protection both the CSWs and their clients have from becoming infected. It has been found that condom use can be successfully promoted through social marketing programs (Narain and Shah).

Increased education on HIV/AIDS is needed on all levels in India. This includes not just the CSWs, but also all those involved in the sex trade (especially clients), other high-risk populations, and the general population. Researchers have found that many educated Indians have grave misconceptions about HIV and AIDS. For example, only 25% of the subjects interviewed knew that AIDS was not spread through kissing (Porter, 1993). If relatively educated people do not know how the disease is transmitted, one would not suspect uneducated people such as CSWs to know. In addition, community participation efforts should be continued on the part of NGOs.

The CSWs are a group with an incredibly high HIV rate in India. However, policy efforts to reduce the rate of transmission should be targeted at all members of the society to which they belong.

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WOMEN OF KYRGYZSTAN AND INFORMATION TECHNOLOGIES

Ainura Madraimova, Forum of women's NGOs of Kyrgyzstan

ABSTRACT

- Information Technologies for women and women's NGOs: goals, experience, challenges, achievements and perspectives.
- Most of the women of Kyrgyzstan don't have an effective access to the channels of widening electronic information, which can provide them with alternative sources of information.
- Training programmes for women's skills and capacity development: goals, experience, challenges, achievements.

The Forum of women's NGOs conducted series of computer training for women - representatives of NGOs. About all of them had never really used a computer before and felt extremely intimidate by technology.

- Globalization, IT and women of Central Asia: world experience, regional experience, plans.

The next step - electronization of women's net, which will unite women's NGOs of newly independent states of Central Asia. This problem was discussed on Central Asian conference "Dialogue of women 2", which was held 25-26 September 1997, in Bishkek (Kyrgyzstan) and where participants have agreed on the creation of the united information net between women's NGOs of the Central AsiaIn general women and their organisations need more awareness creation work towards better understanding of the perspectives of Information Technologies application in their work and activities.

Kyrgyzstani women don't have big and long experience in using and applying Informationa Technologies. But it is abvious that they need and will apply it sooner or later.

Women of the Kyrgyzstan, as well as the women of the whole world experience the consequence of global economic and social changes. The end of the 20th century - is the time of new technologies development in medicine, in mass media, in particular in computer programs, where as called information technologies. New information technologies let women to get out from the isolation, provide an opportunity of wide participation in solving different problems and making various new partner contacts. Information technologies can serve as means for development and support of democracy, as means of strengthening women's participation in democratic processes. Most of the women of Kyrgyzstan don't have an effective access to the channels of widening electronic information, which can provide them with alternative sources of information.

Kyrgyzstan is a mountainous country, where some regions can be connected only by the air ways. Contacts between organization are rather difficult to make. And in those regions, where stable telephone line is available, using e-mail is the best solution for the problem. At present time many women's NGOs of Kyrgyzstan actively using the channels of e-mail, which is becoming usual mean of communication and about 15 have e-mail in their own offices. Availability of e-mail lets women participate in globalization of women's movement. To set up the e-mail channel it is necessary to have a computer. Working with the personal computer requires some basic knowledge and skills about computer technologies. The Forum of women's NGOs conducted series of computer training for women - representatives of NGOs. About all of them had never really used a computer before and felt extremely intimidate by technology. Most of them said that their children can work with computers without any problems but they, women themselves didn't even know how to start. During frist lessons women were scared of the perconal computers. They were afraid to push the wrong button and break the computer, but afer the getting basics of computer skills and being able to develop their own files as well as doing some data basis they have felt themselves more confident and their selfevaluation ahs increased.

The next step - electronization of women's net, which will unite women's NGOs of newly independent states of Central Asia.

On the fourth World Conference on the Conditions of Women, which was held in Beijing, 4-16 September 1995, it was said that nets of women's mass media , including electronic nets, should be encouraged and recognized as means of distributions and exchange of opinions, on the international level as well, and thus women groups, working in mass media and systems of communication should be supported. In the Platform for Action of the United Nations Women's World Conference Strategic, Objective 3H, was defined as «Generate and disseminate gender desegregated data and information for planning and evaluation». Statement 237 reads:

> *«Women should be empowered by enhancing their skills, knowledge and access to information technologies»*

The experience and analysis of women's NGOs has revealed the necessity and possibility of electonization of existing net. This problem was discussed on Central Asian conference "Dialogue of women 2", which was held 25-26 September 1997, in Bishkek (Kyrgyzstan) and where participants have agreed on the creation of the united information net between women's NGOs of the Central Asia. Electronic net will become a tribune of women and will let women make their contribution to the development of the society, influence events not only on the local level, but also on the international level, which will also encourage participation of women in political life. Net will allow to conduct open discussions of the problems, where representatives of different countries will exchange their opinions. This net will provide regular and new information, exchange of information and experience, joint decisions of the problems. The vital task of women's information services in the implementation of these objectives is an important theme in ... as is the role of our services in the protection of human rights.

There's just one small problem- a lot of women still know practically nothing about technology. That uis why the Forum's goal is providing of a series of training to develop skills in wotking electronic mail and in Internet.

As an example of the net work of Forum can serve the work with refugees from Tadjikistan. By the net it is possible to get information about women-refugees, to restore lost documents, to exchange with information about availability of the jobs for employment of women. Net can also be used for the protection of women rights in general.

Electronic net can serve not only as an information channel, but also as educational channel. Having access to the Internet would also let use the distant education. Women could have the possibility to use the treasure of best world libraries, have access to museums, resource centers in the world. Share informaiton and experience, support each othert in various situations.

Information technologies let women realize their role in women movement, to compare their experience with experience of other women with the aim selfconfidence increase. In general women and their organisations need more awareness creation work towards better understanding of the perspectives of Information Technologies application in their work and activities. It is absolutely not enough to train women to use computers. It is neccessary to develop women vision of IT for women's movement, broaden their horizons and develop IT impact on the goals achievement. In this sense we in Kyrgyzsatn need global women's support in enlightening women groups on the unlimited possibilities of Informaiton technologies for women empowerment and poversty alleiviation, and finally to democracy strenghtening via opening beter access to in-

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formation.

Forum made an analysis of the conditions of the informational provision of women's NGOs in Central Asia and learned that we need active assistance from the world community.

Taking the opportunity Forum of women's NGOs appeals to the world community for not only material help. We also ask to support us in informational provision.

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Individual Supporting Members receive Quarterly Products Mailings (including all current IWPR briefing papers, fact sheets, and working papers), a 20% discount on publications, and a 20% discount on one registration to IWPR conferences.

Renewal Rate: $60 *Introductory Rate: $50*

Individual Members receive quarterly one-page IWPR updates, announcements of IWPR activities and publications, a 20% discount on publications, and a 20% discount on one registration to IWPR conferences.

Regular Rate: $40

Graduate Student Members receive Quarterly Products Mailings, a 20% discount on publications, and a 20% discount on one registration to IWPR conferences. (Must send copy of student identification with photo.)

Regular Rate: $30

Organizational and Corporate Memberships

Organizational Affiliates receive Research News Reporter (a monthly compilation of research in the news which includes full citation and ordering information), Quarterly Products Mailings (including all current IWPR briefing papers, fact sheets, and working papers), all new major reports free of charge, a 20% discount on all other publications, a 50% discount on one registration to IWPR conferences, and a 20% discount on conference fees for additional organizational attendees.

Renewal Rate: $295 *Introductory Rate: $245*

Organizational Members receive Quarterly Products Mailings (including all current IWPR briefing papers, fact sheets, and working papers), a 20% discount on all publications, and a 20% discount on conference registration fees for all organizational attendees.

Renewal Rate: $140 *Introductory Rate: $115*

Corporate Affiliates receive Research News Reporter, Quarterly Products Mailings, all new major reports, a 20% discount on all other publications, a 50% discount on one IWPR conference registration, and a 20% discount on conference registration fees for additional corporate attendees.

Renewal Rate: $395 *Introductory Rate: $345*

For more information on membership or publications, contact the Membership Coordinator at (202) 785-5100.

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